

Natural Resources Wales permitting decisions

Decision Document – Brynglas Farm

Bespoke permit/Variation

The application number is: PAN-001429

The Applicant / Operator is: Wallace Bebb Limited

The Installation is located at: Brynglas Farm, Llansantffraid-ym-Mechain, Welshpool, Powys, SY22 6TA

We have decided to issue the variation for Brynglas Farm operated by Wallace Bebb Farm Limited. The operator has applied to vary their permit to add three biomass boilers and to build a third shed to keep the pullets. There will be no change to bird numbers.

The variation number is EPR/FP3434CG/V002

We consider in reaching that decision we have taken into account all relevant considerations and legal requirements and that the permit will ensure that the appropriate level of environmental protection is provided.

Purpose of this document

This decision document:

- explains how the application has been determined
- provides a record of the decision-making process
- shows how all relevant factors have been taken into account
- justifies the specific conditions in the permit other than those in our generic permit template.

Unless the decision document specifies otherwise we have accepted the applicant's proposals.

Structure of this document

- Table of contents
- Key issues
- Annex 1 the consultation and web publicising responses

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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 accepted as duly made on 21 April 2017. 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, 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 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. We have taken all relevant representations into consideration in reaching our determination.

3 The Legal Framework

The Permit will be granted, 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;

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 includes:

- Biomass Boiler
- Dirty Water Tank

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

4.1.2 The Site

The site lies approximately 11Km South-South-West of the town of Oswestry, with a national grid reference of SJ 23130 19802.

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 out the permitted activities within the site boundary.

4.1.3 What the Installation does

The installation comprises of three poultry houses, accommodating a maximum of 100,000 broilers. Birds will be brought in from a hatchery and are transported to a processing plant at the end of the growing period. The average cycle length is 49 days. Prior to the arrival of the day-old birds, the concrete floors in each house will be covered with wood shavings to a depth of 10mm and the houses will be pre-warmed to 31°C using a hot water boiler system. The water will be heated primarily by using clean biomass with a LPG back up system. At the end of the growing period, all birds will be removed from the houses and the used litter is taken away from the site in covered vehicles and will be spread onto agricultural land. The empty houses are then washed and disinfected ready for the next crop.

4.2 The site and its protection

4.2.1 Proposed site design: potentially polluting substances and prevention measures

Prior to the arrival of the day-old birds, the concrete floors in each house will be covered with wood shavings to a depth of 10mm and the houses will be pre-warmed to 31°C using a hot water boiler system. The water will be heated primarily through combustion of clean biomass with a LPG back up system. As the birds grow, the ventilation rate increases and the house temperature will be gradually reduced until the boilers can be switched off.

Feed will be purchased from a separately-owned feed mill and stored on site in fully-enclosed galvanised steel bins. Diets are formulated according to the birds' requirements and the stage of growth.

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 in the event of the facility closing.

4.3 Operation of the Installation – general issues

4.3.1 Administrative issues

The Applicant is the sole Operator of the Installation. We are satisfied that the Applicant is the person who will have control over the operation of the Installation if the Permit were to be granted; and that the Applicant will be able to operate the Installation so as to comply with the conditions included in the Permit, if issued.

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 Normal Operations, Maintenance Schedule and Records, Incidents and Abnormal Operations, Complaints System, Accidents, Training and Site Security.

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.

4.3.5 Site security

The site does have a secure perimeter fence, as well as being fairly well hidden from the nearby road by trees and a hedgerow. Sheds will be locked at night, gates will also be locked at night to prevent vehicle access out of hours.

Having considered the information submitted in the Application, we are satisfied that appropriate infrastructure and procedures will be in place prior to start up to ensure that the site remains secure.

4.3.6 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.

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

Water will be provided via cupped, nipple drinkers which are designed to minimise spillage. Birds which die during the production cycle will be removed from houses each day and the numbers are recorded. The carcasses will be stored in sealed, vermin proof containers at the wester end of the site before being collected by a licensed collection agent under the National Fallen Stock Scheme. All used litter and dirty water will be spread to land owned by a separate farming business, it will be signed for and stored and spread in line with the Code of Good Agricultural Practise.

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 Best Available Techniques (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.

The biomass boilers have been assessed against the Biomass Boiler Position Statement and shows that there will be no harm to local sensitive receptors or any habitat sites nearby.

There will be no change to the number of birds that are permitted on this site. The variation is to add an additional shed and to add three biomass boilers for heating purposes.

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 ou_E/m³ to assess the potential impact of odour on nearby sensitive receptors.

The applicant has provided an Odour Report in their application and this concludes that the odour levels will not exceed the Environment Agency's benchmark for moderately offensive odours of 3.0 ou_E/m³.

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.

The applicant has submitted an odour management plan (OMP) for the installation as required by EPR 6.09 "*How to Comply with your Permit for Intensive Farming*" because there are sensitive receptors within 400 metres of the installation. The OMP describes the measures and controls in place to minimise odour and includes twice daily olfactory checks. We have compared the measures proposed for the site to the BAT standards in EPR 6.09 and are satisfied that the techniques represent appropriate measures for the installation. The OMP has been incorporated into the operating techniques section of the permit.

As above in 5.1, the applicant has had the new shed in operation and has not received any complaints to date.

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.

5.4 Fugitive emissions

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

5.5 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, ventilation fans and feed transferring from lorries to bins.

Because 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 and includes twice daily inspections of the site.

5.6 Impact on Habitats sites, SSSIs, non-statutory conservation sites etc.

HRA is not required because there is no conceivable impact pathway to any Natura 2000/Ramsar site. As mentioned before, the number of birds are not increasing and the new shed will be further away to the closest SSSI site, there will be no likely pathway to any Natura 2000/Ramsar Site.

6 Setting ELVs and other Permit conditions

6.1 Translating BAT into Permit conditions

Article 14(3) of IED states that BAT conclusions shall be the reference for permit conditions. Article 15(3) further requires that under normal operating conditions; emissions do not exceed the emission levels associated with the best available techniques as laid down in the decisions on BAT conclusions.

The emission limits described in the air dispersion modelling sets the worst case scenario. If this shows the emissions from the site are low and that they will not cause a breach of air quality objectives in the area then we are satisfied that the emissions from the site will not adversely impact the surrounding environment or the health of the local community.

6.1.1 National and European EQSs

As detailed in section 5.1, the environmental impact of the installation has been assessed against relevant EQSs, at the level of performance required by IED. The installation will not result in the breach of any EQSs. We accept that the applicant's proposals are indicative BAT.

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 the reporting requirements in Schedule 4 of the Permit to ensure data is reported to enable timely review by Natural Resources Wales to ensure compliance with permit conditions and to monitor the efficiency of material use and waste recovery at the installation.

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 number of the issues raised during the consultation process are outside Natural Resources Wales remit in reaching its permitting decisions. Specifically questions were raised which fall within the jurisdiction of the planning system, both on the development of planning policy and the grant of planning permission. Specific planning issues raised related to the location of the site, the location of the stack, traffic movements and emissions from off-site traffic movements.

Guidance on the interaction between planning and pollution control is given in PPS23 / Planning Policy Wales. It says that the planning and pollution control systems are separate but complementary. We are only able to take into account those issues, which fall within regulatory scope of the Environmental Permitting Regulations.

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
None	N/A