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Natural Resources Wales permitting decisions

Mr David Kynaston & Mrs Ann
Kynaston
Ty Brith Poultry Unit

Decision Document

Bespoke permit

The application number is: PAN-001384

The variation number is: EPR/QP3139UV/V005

The Applicant / Operator is: Mr David Kynaston & Mrs Ann Kynaston

The Installation is located at: Ty Brith Poultry Unit, Llangynyw, Welshpool, Powys, SY21 9EN

We have decided to issue the variation for Ty Brith Poultry Unit operated by Mr David Kynaston & Mrs Ann Kynaston.

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

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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 received on 14 March 2017 and was duly made on 05 April 2017. This means we considered it was in the correct form but in order for us to be able to consider the application duly made, we needed more information relating to the nature of proposed changes. Upon receipt of this information we were able to consider the application Duly Made.

2.2 Consultation on the Application

This was a normal variation so no advertising or consultation with external partners was required.

2.3 Requests for Further Information

Further information was also requested by way of a Schedule 5 Notice requiring information to demonstrate how the proposed changes met with the Position Statement on *Biomass boilers on EPR intensive farms*. The Schedule 5 Notice was sent on 25 May 2017 with a response date of 09 June 2017. The applicants' response was provided on 07 June 2017 and satisfied the requirements of the Schedule 5 notice.

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 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 include:

- The operation of Biomass Boilers for heating the poultry sheds.

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

4.2 The site and its protection

4.2.1 Proposed site design: potentially polluting substances and prevention measures

The applicant is varying their permit to include two additional boilers with thermal inputs of 199kw and 300kw respectively. There are two existing biomass boilers on site with an aggregated net thermal rated input of 0.4 MWth. The existing boilers are powered by fuel comprising only virgin timber, straw, miscanthus or grade A “clean” recycled wood, as specified by the permit. The new boilers will use the same fuel types.

5 Minimising the Installation's environmental impact

5.1 Assessment of Impact on Air Quality

In line with the Environment Agency's May 2013 document "*Biomass boilers on EPR Intensive Farms*" (which NRW uses), an assessment has been undertaken to consider the proposed addition of the biomass boilers.

Biomass boilers on intensive farms are typically small units. Even where there are multiple boilers on a site, the total net rated thermal input is normally less than 2 MWth; in this instance it is 0.9 MWth. The guidance states that the EA has assessed the pollution risks and concluded that air emissions from small biomass boilers are not likely to pose a significant risk to the environment or human health providing certain conditions are met. Therefore a quantitative assessment of air emissions will not be required where:

- the fuel will be derived from virgin timber, miscanthus or straw, and;
- the biomass boiler appliance and installation meets the technical criteria to be eligible for the Renewable Heat Incentive, and;
- the aggregate boiler net rated thermal input is:
 - A. less than 0.5MWth, or;
 - B. less than 1MWth where the stack height is greater than 1 metre above the roof level of any buildings within 25 metres (or where there are no buildings within 25 metres, the stack height must be a minimum of 3 metres above ground) and there are:
 - no Special Areas of Conservation, Special Protection Areas, Ramsar sites or Sites of Special Scientific Interest within 500 metres of the emission point(s);
 - no National Nature Reserves, Local Nature Reserves, ancient woodlands or local wildlife sites within 100 metres of the emission point(s), or;
 - C. less than 2MWth where, in addition to the above criteria for less than 1MWth boilers, there are:
 - no sensitive receptors within 150 metres of the emission point(s).

The biomass boilers meet the requirements of criteria B above, as confirmed by the applicant in their response to the Schedule 5 notice. Therefore they are not considered likely to pose a significant risk to the environment or human health and no further assessment is required.

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

Impact has been assessed based on the criteria of the *Biomass boilers on EPR intensive farms* position statement.

There are no Special Areas of Conservation, Special Protection Areas, Ramsar sites or Sites of Special Scientific Interest within 500 metres of the boiler emission points.

There are no National Nature Reserves, Local Nature Reserves, ancient woodlands or local wildlife sites within 100 metres of the boiler emission points.

A Habitats Risk Assessment (HRA) is not required because there is no conceivable impact pathway to any Natura 2000/Ramsar site. Form 1 has therefore not been completed.