Cyfoeth Naturiol Cymru
Natural Resources Wales

Natural Resources Wales permitting decisions

Perry Orchard Poultry Farm

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Variation and consolidation of a bespoke permit

We have decided to issue a Natural Resources Wales initiated variation for Perry Orchard Poultry Farm operated by Perry Orchard Farm Limited.

The variation number is EPR/GP3936MK/V004

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 is a decision document, which accompanies a variation notice being issued following a review of the permit.

It explains:

- **how** we have carried out our statutory review of the operator's permit;
- **why** we have decided to vary the permit as a result of that review; and
- **why** we have included the specific conditions in the revised permit through the variation notice we are issuing.

It is our record of our decision-making process, to show how we have taken into account all relevant factors in reaching our position. It explains how we have reviewed and considered the techniques used by the operator in the operation and control of the plant and activities of the installation. This review has been undertaken with reference to the decision made by the European Commission establishing best available techniques (BAT) conclusions ('BAT Conclusions') for the intensive rearing of poultry or pigs, which were published as a Commission Implementing Decision (EU) 2017/302) in the Official Journal of the EU on the 21st February 2017. It is our record of our decision-making process and shows how we have taken into account all relevant factors in reaching our position. It also provides a justification for the inclusion of any specific conditions in the permit that are in addition to those included in our generic permit template. The consolidated variation notice takes into account and brings together in a single document all previous variations that relate to the original permit. It also modernises the entire permit to reflect the conditions contained in our current permit template. The introduction of the new permit format makes the permit consistent with other permits issued to installations in this sector.

Although the wording of some conditions has changed and others have disappeared because of the new regulatory approach, it does not reduce the level of environmental protection achieved by the permit in any way.
In this document we address only our determination of substantive issues relating to the new BAT Conclusions. This variation is considered to be a normal

variation because along with the administrative changes i.e. consolidating previous variations and moving to the new template, some detailed technical evaluation is required. This is a more complex variation than the norm, because it is doing three different things at the same time:

- **First**, it gives effect to our decisions following the statutory review of the existing permit, following the implementation of the IED and the publication of BAT Conclusions covering the Intensive rearing of Poultry or Pig industries. That is what this variation is principally about.
- **Second**, it takes the opportunity to bring earlier variations into an up-to-date, consolidated permit. These changes have already taken place and we are not re-explaining them, but the consolidated permit should be easier to understand and use.
- **Third**, it modernises the entire permit to reflect our current template. The template reflects our modern regulatory permitting philosophy and was introduced because of a change in the governing legislation. This took place when the Pollution Prevention and Control (England and Wales) Regulations 2000 were replaced in 2008 by a new statutory regime under the Environmental Permitting Regulations (EPR) 2010 (as amended in 2013) to effectively introduce the IED. The Environmental Permitting (England and Wales) Regulations 2016 were made on 11th December 2016 and consolidated EPR 2010 and its subsequent amendments.

The introduction of new template conditions makes the permit consistent with our current general approach and philosophy. Although the wording of some conditions has changed, while others have disappeared because of the new regulatory approach, it does not affect the level of environmental protection achieved by the permit in any way. We therefore explain only the statutory review in this document. As the variation will not have any negative effects on the environment it is not a substantial variation and so does not require external consultation. A fee for a normal variation has been invoiced to the operator.

Structure of this document

- Summary of our decision
- The legal framework
- How we took our decision
- Changes we have made
- Conclusion
- Annex 1 – Decision Checklist regarding relevant BAT Conclusions

1 Our decision

We have issued a variation, which will allow the operator to operate the installation, subject to the conditions in the varied permit.

The variation does three things:

- it consolidates the original permit to reflect changes made through earlier variations;
- it brings the permit into line with our modern regulatory template; and
- it varies the permit where appropriate to reflect the outcome of our statutory review and incorporate Best Available Techniques (BAT).

We consider that, in reaching this decision, we have taken into account all relevant considerations and legal requirements and that the permit will continue to ensure that a high level of protection is provided for the environment and human health.

The original permit, issued on the 17 August 2007 ensured that the installation, employed Best Available Techniques (BAT) and ensured a high level of protection for human health and the environment. We have altered the permit as a result of the statutory review, and we are confident that the new requirements will deliver a superior level of protection to that which was previously achieved.

2 The legal framework

The consolidated variation notice will be issued under Regulation 20 of the Environmental Permitting Regulations 2016. 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 consider that, in issuing the consolidated variation notice, it will ensure that the operation of the installation complies with all relevant legal requirements and that a high level of protection will be delivered for the environment and human health.

We explain how we have addressed specific statutory requirements more fully in the rest of this document.

3 How we reached our decision

We have incorporated the new BAT requirements into the new consolidated permit to the operator. The operator will have until the 20th February 2021 to meet the new standards.

We sent the operator a letter on 22nd September 2017 to notify them of the new requirements they will need to meet in according to the new BAT. If the operator cannot meet the new standards they must notify Natural Resources Wales in writing and justify why they cannot meet the standards.

The operator made no claim for commercial confidentiality.

4 Key issues

BAT Conclusions for the intensive rearing of poultry or pigs were published as a Commission Implementing Decision (EU) 2017/302) in the Official Journal of the EU on 21st February 2017. There are 34 BAT Conclusions. This annex provides a record of decisions made in relation to each relevant BAT Conclusion applicable to the installation. This annex should be read in conjunction with the permit/variation notice issued.

Baseline reports
Article 22(2) of the IED requires the production of a baseline report where an operation involves the use, production or release of relevant hazardous substances, having regard to the possibility of soil and groundwater contamination.

For the Intensive rearing of pigs and poultry the majority of operations take place on solid concrete floors with sealed drainage and any hazardous substances present are contained and removed from the installation. In these circumstances the possibility of soil and groundwater contamination has been prevented through this infrastructure and procedure.

For any sites where this infrastructure is not present, then an improvement condition will be added to the consolidated permit requiring the appropriate stage or stages in producing a baseline report are carried out, and the results forwarded to NRW

5 Changes we have made

Improvement Conditions

We have added two improvement conditions. These require all relevant BAT conclusions to be complied with and for a report into this compliance to be submitted to NRW.

IC4	The operator shall comply with the requirements of the BAT Conclusions listed below, as far as they are applicable to the installation, on or before 20 February 2021. These BAT Conclusions for the intensive rearing of poultry or pigs were published as a Commission Implementing Decision (EU 2017/302) in the Official Journal of the EU on the 21 February 2017. BAT Conclusions: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 19, 23, 24, 25, 26, 27, 29, 32.	20 February 2021
IC5	The operator shall submit a written report to Natural Resources Wales for approval, detailing compliance with the applicable parts of the BAT conclusions listed in IC4	20 March 2021

5 Conclusion

We consider that the installation already employed what used to be BAT, and that the operator has achieved significant improvements in performance since the permit was originally granted. The revised BREF and its BAT-AELs provide the opportunity to consider further environmental improvements.

Coupled with the consolidation and modernisation of the permit, we believe this variation provides a sound basis for ongoing regulation of the installation and we are satisfied that the operator is currently achieving or will be achieving all relevant BAT by the 20th February 2021.

We believe that we have ensured compliance with all relevant legal requirements in carrying out this review and making our determination on the variation.

Annex 1: Decision Checklist regarding relevant BAT Conclusions.

BAT Conclusions for the Intensive Rearing of Poultry or Pigs, were published as a Commission Implementing Decision (EU) 2017/302) in the Official Journal of the EU on 21th February 2017. There are 34 BAT Conclusions. This checklist provides a record of decisions made in relation to each relevant BAT Conclusion applicable to the installation. This annex should be read in conjunction with the consolidated variation notice.

General BAT Conclusions

BAT Conclusion No	Summary of BAT Conclusion requirement	Status
The BAT mentioned in this section apply to all installations covered by these BAT conclusions (Intensive Rearing for Poultry or Pigs)		
1.	BAT is to implement and adhere to an environmental management system (EMS).	Required by condition 1.1.1 of the Permit
2.	BAT is to prevent or reduce the environmental impact and improve overall performance.	Part a: assessed at permit application stage and remaining part is planning consideration considered by the planning authority. Part b: this is required by condition 1.1.1 of the permit, in so far as it relates to activities within the installation. Part c: this is required by condition 1.1.1 of the permit. Part d: this is required by condition 1.1.1 of the permit. Part e: this is required by conditions, 1.1.1, 3.1.1 and 3.3.1.
3.	BAT is to reduce total nitrogen excreted and consequently ammonia emissions while meeting the nutritional needs of the animals by using a diet formulation and nutritional strategy.	Required by condition 2.3.6 of the permit
4.	BAT is to reduce the total phosphorus excreted, while meeting the nutritional needs of the animals by using a diet formulation and a nutritional strategy.	Required by condition 2.3.6 of the permit
5.	BAT is to use water efficiently.	Required by condition 1.3.1 of the permit
6.	BAT is to reduce the generation of waste water.	Required by condition 1.3.1 of the permit
7.	BAT is to reduce emissions to water from waste water.	This is considered at the application stage and required by permit conditions 3.1.1 and 3.2.1.
8.	BAT is to use energy efficiently in a farm.	Required by condition 1.2.1 of the permit
9.	BAT is to prevent or, where that is not practicable, to reduce noise emissions by	Required by conditions 3.4.1 and 3,4.2 of the permit.

BAT Conclusion No	Summary of BAT Conclusion requirement	Status
	setting up and implementing a noise management plan, as part of the EMS.	
10.	BAT is to prevent, or where that is not practicable, to reduce noise emissions.	Required by conditions 3.4.1 and 3,4.2 of the permit. This is also considered at permit application stage.
11.	BAT is to reduce dust emissions from each animal house.	Required by condition 3.2.1 of the permit. This is also considered at permit application stage.
12.	BAT is to prevent, or where that is not practicable, to reduce odour emissions from a farm by setting up and implementing an odour management plan, as part of the EMS.	This is considered at permit application stage. Required by conditions 3.4.1 and 3,4.2 of the permit.
13.	BAT is to prevent or, where that is not practicable, to reduce odour emissions and/or odour impact from a farm.	This is considered at permit application stage. Required by conditions 3.4.1 and 3,4.2 of the permit.
14.	BAT is to reduce ammonia emissions to air from the storage of solid manure.	This is considered at permit application stage, where applicable, as it is usually removed from the installation.
15.	BAT is to prevent, or where that is not practicable, to reduce emissions to soil and water from the storage of solid manure.	This is considered at permit application stage, where applicable, as it is usually removed from the installation.
16.	BAT is to reduce ammonia emissions to air from a slurry store.	This is considered at permit application stage, where applicable.
17.	BAT is to reduce ammonia emissions to air from an earth-banked slurry store (lagoon).	This is considered at permit application stage, where applicable.
18.	BAT is to prevent emissions to soil and water from slurry collection, piping, and from a store and/or an earth-banked storage (lagoon).	This is considered at permit application stage, where applicable.
19.	BAT is to process the manure If on-farm processing of manure is used, in order to reduce emissions of nitrogen, phosphorus, odour and microbial pathogens to air and water and facilitate manure storage and/or landspreading.	This is considered at permit application stage, where applicable.

BAT Conclusion No	Summary of BAT Conclusion requirement	Status
20.	BAT is to prevent or, where that is not practicable, to reduce emissions of nitrogen, phosphorus and microbial pathogens to soil and water from manure landspreading.	This is outside of the installation boundary and outside the scope of the permit function within Wales.
21.	BAT is to reduce ammonia emissions to air from slurry landspreading.	This is outside of the installation boundary and outside the scope of the permit function within Wales.
22.	BAT is to incorporate the manure into the soil as soon as possible.	This is outside of the installation boundary and outside the scope of the permit function within Wales.
23.	BAT is to estimate or calculate the reduction of ammonia emissions from the whole production process using the BAT implemented on the farm.	This is included within the requirements of IC1 and IC2.
24.	BAT is to monitor the total nitrogen and total phosphorus excreted in manure.	This is included within the monitoring table S3.1.
25.	BAT is to monitor ammonia emissions to air.	This is included within the monitoring table S3.1.
26.	BAT is to periodically monitor odour emissions to air.	Required by conditions 3.3.1 and 3.3.2 of the permit.
27.	BAT is to monitor dust emissions from each animal house.	This is included within the requirements of IC1 and IC2.
28.	BAT is to monitor ammonia, dust and/or odour emissions from each animal house equipped with an air cleaning system.	Not Applicable to this site.
29.	BAT is to monitor the following process parameters at least once every year.	a, Water consumption - Permit condition 1.3.1 b, Electrical energy consumption – permit condition 1.3.1 c, Fuel consumption – Permit condition 1.3.1 d, animal movements – Permit condition 2.3.2 e, feed consumption – Permit condition 1.3.1 f- manure generation – Permit condition 2.3.3
30.	BAT is to reduce ammonia emissions to air from each pig house.	Not Applicable to this site.

BAT Conclusion No	Summary of BAT Conclusion requirement	Status
31.	BAT is to reduce ammonia emissions to air from each house for laying hens, broiler breeders or pullets.	Not Applicable to this site.
32.	BAT is to reduce ammonia emissions to air from each house for broilers.	This is considered at permit application stage. In addition table S3.1 includes the associated emission levels.
33.	BAT is to reduce ammonia emissions to air from each animal house for ducks.	Not Applicable to this site.
34.	BAT is to reduce ammonia emissions to air from each animal house for turkeys.	Not Applicable to this site.