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Natural Resources Wales permitting decisions

**Mr Keri Davies
Wern Heulog Poultry Unit
Decision Document**

Bespoke permit

The application number is: PAN 000995

The permit number is: EPR-AB3496HZ

The Applicant / Operator is: Mr Keri Davies

The Installation is located at: Wern Heulog Poultry Unit, Wern Heulog, Llanfaredd, Builth Wells, Powys, LD2 3TE

We have decided to grant the permit for Wern Heulog Poultry Unit operated by Mr Keri Davies.

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

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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 11 November 2016 and was accepted as duly made on 21 November 2016. 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 3. We have taken all relevant representations into consideration in reaching our determination.

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 includes:

- Dirty water storage
- Heat exchangers
- Carcass Incinerator

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

4.1.2 The Site

The site lies to the North East of Llanfaredd, Powys at grid reference SO 07789 53244, approximately 4km North East of Builth Wells. 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 broilers. Birds will be housed at a day old and depopulated at the end of the rearing cycle, this will be done on an all-out, all in basis. This cycle will be repeated approximately eight times a year.

4.2 The site and its protection

4.2.1 Proposed site design: potentially polluting substances and prevention measures

There will be two poultry houses, each with capacity for 45,000 birds. The working area where vehicles operate is laid to concrete and hard standing. Ventilation is controlled by temperature, extraction fans are high velocity roof mounted. Heating will

be provided by hot water blown air radiators produced by LPG boilers. Heat exchangers will be fitted to both houses, reducing energy consumption and reducing emissions. 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. All chemicals used on site will be kept in a bunded storage unit.

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 agricultural use – grass and grazing. 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 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. 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

Before bird arrival the house floors will be covered to a sufficient depth of bulk shavings. Temperature and humidity will be closely monitored on a daily basis to achieve bird comfort and a relative humidity of 55-60%, this should achieve litter with a dry matter content of between 60-70%.

Birds are fed a minimum of three diets during their cycle, with gradually reducing levels of protein and phosphorous as bird age increases. Feed is delivered from a UKASTA accredited feed mill and blown into bulk feed bins located adjacent to the houses, from the feed bins the feed is moved into the houses and distributed to the birds via a pan feeding system.

Fallen stock will be recorded daily and securely stored in vermin proof containers prior to incineration on site. The incinerator has a capacity below 50kg/hr and is licensed and approved by animal health. Based on the size of the incinerator it is not considered that it will cause pollution. The applicant has incorporated it into operating procedures, including the odour management plan.

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

When the birds are removed from site, any remaining litter will be removed from site and used on operator controlled land as fertiliser, in line with a manure management plan. All wash waters will be contained in sealed underground tanks and removed from site to be spread on land under control of a separate farming business. Written agreement is in place for this.

Having considered the information submitted in the Application, we are satisfied that the waste hierarchy referred to in Article 4 of the WFD will be applied to the generation of waste and that any waste generated will be treated in accordance with this Article.

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.

The results of the modelling predict a maximum odour concentration of 2.28 at the nearest receptor, a chapel which is approximately 120 metres from the site. At the nearest residential locations, approximately 140-220 metres away the maximum concentration is 1.8 units. All of the results listed by the applicant are below the benchmark of 3 odour units.

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

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 an offsite brook, the Crithio.

Our internal conservation team have advised that best practice with regards drainage, is for roof and yard water discharges not to go directly into a watercourse but to firstly go through rural SUDs such as swales and ponds. The Crithio is upstream of the Wye SAC/SSSI so feeds into it. No SUDs features are incorporated into the drainage on site, and their inclusion is not a condition of the Permit.

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 a sealed underground tank with a capacity of 20,000 litres. 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

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 and ventilation fans.

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.

Roof mounted ventilation fans will be subject to regular, end of cycle maintenance by qualified electricians and noisy fans will be isolated and an electrician notified. Silencers will be fitted to feed delivery lorries. The movement of vehicles outside of the installation boundary is not within the regulatory scope of the Environmental Permitting (England and Wales) Regulations 2016 and is a matter for the local planning authority.

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 NMP has been incorporated into the operating techniques section of the permit.

Permit condition 3.4.1 requires that emissions from the activities are free from noise 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.

5.7 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:

SAC (within 10km)

River Wye UK0012642 (0.95km to North East and 2.3km to South West)

SSSI (within 5km)

Afon Irfon - 5km away

Banc Hirllwyn - 2.9km away
Caeau Coed Mawr - 5km away
Coed Mawr Quarry - 3.6km away
Colwyn Brook Marshes (N&S) - 0.8km away
Duhonw - 2.5km away
Gwern Yfed Fach Quarry - 4.8km away
Llanelwedd Rocks - 2.1km away
Neuadd and Tylelo Mires - 4.4km away
Nerw castle meadows - 3.9km away
Newmead - 2.2km away
Pen Cerrig Stream Section - 3.5km away
River Wye (Tributaries)
River Wye (Upper Wye)
Trecoed/Castle Crab - 3.1km away

Areas of restored ancient woodland and ancient semi natural woodland (within 2km).

Operational Guidance Note (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 but no comments were received. The forms are available from our public register.

The only records of European Protected Species in the near vicinity of the proposal are of otter which should be picked up in the planning application in relation to lighting and constructions issues.

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 Broilers. 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 – Public Health Wales	
Brief summary of issues raised:	Summary of action taken / how this has been covered
• A site ammonia and odour management scheme be implemented and maintained to ensure no adverse ammonia concentrations or odours at nearby sensitive receptors. It is important that these are adequately controlled and do not adversely impact on human health, especially given the perceived association between odour and ill health. It is noted that modelling of odours and ammonia have been undertaken and shown to be below concentrations likely to cause nuisance or health effects at the nearest receptors. It is also noted that ammonia could breach ecological limits and it is anticipated that any additional management of this will be agreed with NRW. • The applicant should be required to devise and maintain a manure management plan detailing when and where manures will be stored and applied to land to avoid off-site impacts from odour and flies. This should include avoiding	- An assessment of the potential impact of ammonia and odour from site has been carried out. The operator has a written management system and an odour management plan in place. - Litter removed from site will be spread on operator controlled land as fertiliser, in line with a manure management plan. - A risk assessment of the potential effect of dust has been carried out by the applicant and procedures are in place to minimise the risk. - The Permit contains a condition requiring all liquids stored on site to have secondary containment. - The operator has a noise management plan and a condition is included in the Permit to ensure operations do not cause noise pollution. - The operator has their own management system in place.

cumulative odour impacts from any other odour sources or activities • Dusts and bio-aerosols (airborne particles containing living organisms, skin fragments, toxins, and waste products) may have possible health effects including exposure to infectious diseases, allergic reactions, respiratory symptoms and lung function impairment • Dispersion of any dusts or bio-aerosols will be dependent upon environmental circumstances such as local topography and prevailing weather conditions. Appropriate assessment (such as detailed dispersion modelling or mitigation measures) and operational management of such emissions in accordance with BAT is recommended • All on-site storage of liquids is accompanied by bunding in compliance with industry practice and guidance to avoid any potential contamination of ground or water supplies. Similarly, that all waste storage facilities are in line Regulator's guidance • The regulator must be sure that the noise from the proposed activities does not cause nuisance at nearby sensitive receptors • The applicant should agree with the Regulator a timetable for seeking external accreditation for the Environmental Management System (EMS) e.g. ISO4001 standard.	
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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
None	N/A