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Hendre Poultry Limited Hendre Poultry Unit

Decision Document

Variation

The Variation number is: **EPR/GP3130VZ/V005**
The Applicant / Operator is: **Hendre Poultry Limited**
The Facility is located at: **Hendre Poultry Unit, Hendre Farm, Felindre,
Knighton, Powys, LD7 1YT**

We have decided to issue the variation for Hendre Poultry Unit operated by Hendre Poultry Limited.

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.

Permit number EPR/GP3130VZ currently permits Hendre Poultry Limited to Operate a regulated facility which is subject principally to the Environmental Permitting Regulations 2016 (EPR) and is subject to the requirements of the Industrial Emissions Directive (IED). The existing permit allows the rearing of up to 175,000 broiler birds. This substantial variation is to vary this permit to increase the number of broiler places by 35,000 to house a total of 210,000.

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 EPR 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. This document should be read in conjunction with the application and supporting information and permit.

2 How we reached our decision

2.1 Receipt of Application

The Application was accepted as duly made on 13/10/21. 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.

The Applicant made a claim for no claim for commercial confidentiality. We have not received information in relation to the Application that appears to be confidential in relation to any party.

2.2 Consultation on the Application

There was no requirement to carry out a consultation on the Application since this application is considered as a normal variation.

To note Environmental Public Health Service in Wales (PHW) has provided a response to this Environmental Permit (“Substantial Variation”). They have noted that the “regulator should consider whether an application for a substantial variation to the environmental purpose is the appropriate process”. As the given increase in broiler populations on the site is not classified as ‘Substantial’, a Normal Variation determination process has been deemed for this application. A summary of the comments provided by PHW are outlined in Annex 1: Consultation responses.

2.3 Requests for Further Information

In order for us to be able to consider the Application duly made, we needed more information. We requested further information on the applicant to submit an Ammonia modelling report, non-technical summary and a site drainage plan. Upon receipt of this information we were able to consider the application Duly Made.

Further information was also requested by way of a Schedule 5 Notice requiring the applicant to provide a revised Non-technical summary and to provide more information on the current Directly Associated Activities operating on site. The Schedule 5 Notice was sent on 04/11/21 with a response date of 18/11/21. The Applicants response to the Schedule 5 Notice was provided on 04/11/21. The additional information supplied satisfied the requirements of the Schedule 5 notice issued on 04/11/21.

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 variation will be issued, 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;

- Subject to aspects of the Well-Being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016 which also have to be addressed.

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 (SMNR) in relation to Wales and applying the principles of SMNR. 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 Facility in accordance with the permit conditions. NRW is satisfied that this decision is compatible 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.

Environment Wales Act 2016 – Biodiversity and resilience of ecosystems duty

Section 6 of the Environment Wales Act 2016 requires that we seek to maintain and enhance biodiversity in the exercise of our functions, and in so doing promote the resilience of ecosystems, in a manner that is consistent with the proper exercise of our functions. NRW is satisfied that in this case we have taken into account and had due regard to this duty in so far as it is consistent with the function of determining an application for an EPR permit.

4 The Facility

4.1 Description of the Facility and related issues

4.1.1 The permitted activities

The Installation is subject to the EPR because it carries out an activity listed in Schedule 1 Part 2 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:

- Dirty water tank
- Biomass boiler
- Combined Heat and Power units
- Ground Source Heat Pump
- Fuel storage

Note that the Ground Source Heat Pump is being added as part of this variation.

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

4.1.2 The Site

Hendre Poultry Unit is situated approximately 1-mile North West of the village of Felindre in Powys. It is approximately centred on National Grid Reference 315100, 281960.

The operator has provided a plan which we consider is satisfactory, showing the extent of the site of the facility, in the case of this variation the site boundary has not changed. In addition, the operator has provided a site layout/drainage plan which includes discharge points and the location of the new GSHP's used for the Multi Heat heating system.

A plan is included in the permit and the operator is required to carry on the permitted activities within the installation boundary indicated in green.

4.1.3 What the Installation does

The Installation comprises of four broiler houses, with capacity for 210,000 broiler birds. The birds are housed at one day old and the houses are depopulated when the birds are around 33 to 39 days of age. Between cycles the houses are empty for approximately 7 days, giving between 7 to 7.5 cycles per annum. The birds are delivered and removed on an “all in all out” basis. The broiler houses will be pre-

warmed with a multiheat blown air hot water radiator and will be ventilated by high speed roof fans. Following this variation, these broiler sheds will be heated by a closed loop Ground Source Heat Pump, Combined Heat and Power units and Biomass boilers.

4.2 Operation of the Facility – general issues

4.2.1 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 will be able to operate the Installation so as to comply with the conditions included in the Permit.

Relevant Convictions

NRW's COLINS Database has been checked to ensure that all relevant convictions have been declared.

No relevant convictions were found, since the original permit was issued.

4.2.2 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 included sections on normal operations, maintenance schedule and records, incidents and abnormal operations, complaints system, accidents, training 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 Facility, and that sufficient resources are available to the Operator to ensure compliance with all the Permit conditions.

4.2.3 Operating techniques

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. In addition, an updated Environmental Management System has been supplied with this variation that outlines procedures to mitigate environmental damage.

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

5 Minimising the Facility'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 points 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 documents.

For an installation of this kind, the principal emissions are:

- Ammonia
- Dust
- Odour
- Noise
- Effluent discharges

5.1 Assessment of Impact on Air Quality

The applicant has carried out a risk assessment identifying the 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. When considered in comparison to the existing poultry houses, the proposals are predicted to lead to a reduction in ammonia concentrations and nitrogen deposition rates at all of the discrete receptors

located at all of the wildlife sites included in the modelling, presenting a betterment compared to the existing development. 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 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, with the closest residential receptor 240m away from the installation. The OMP describes the measures and controls in place to minimise odour and includes daily olfactory checks coinciding with stock inspections.

The applicant has described the following measures which will be in place to minimise odour emissions during house depopulation/de-littering:

- Litter will be placed carefully into trailers positioned close to house doors;
- Trailers containing spent litter will be sheeted before leaving the fill position;
- De littering will be avoided at weekends during the summer months;
- Clean out will be carried out as soon as possible following destocking;
- Controls on feed and ventilation to main litter quality
- No movement or turning of the manure will occur until the manure is being spread onto land in strict accordance with the Manure 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 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. 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. Diverter valves will be used during wash down periods to prevent contamination of surface water systems. As per the existing operation clean, uncontaminated rainwater from roofs and yard areas will drain to soakaways. Any lightly contaminated yard wash will be directed to a sealed underground tank.

5.4 Emissions to sewer

There are no 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 sealed underground tanks. Underground dirty water tanks collect all wash water from houses and yard washings during washing operations the tanks conform to Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) Regulations 2010 (SSAFO Regulations).

5.5 Fugitive emissions

The applicant has assessed the risk of fugitive emissions from the site. Potential sources of fugitive emissions include dust emissions to air and pests. To avoid any infestation of pests the manure store will be regularly checked for maggots and flies. If flies become an issue, manure will be treated with pesticide and covered with a polythene sheet.

Permit condition 3.6.1 requires that activities shall not give rise to the presence of pests which are likely to cause hazard or annoyance outside the boundary of 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.

To minimise dust emissions feed is stored in purpose built covered feed silos located next to the layer sheds. No milling or mixing of feed takes place at the farm, all feed is delivered to the farm by lorry from a UKASTA accredited feed mill. Feed is piped

from the silos to the sheds minimising dust emissions. Dust is controlled through the management of litter and air quality.

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.

5.6 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, feed transferring from lorries to bins, bird catching and clean out operations.

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.

The noise management plan states that roof mounted ventilation fans will be subject to regular, end of cycle maintenance by qualified electricians and that noisy roof mounted ventilation fans will be isolated, and an electrician notified. Good maintenance and cleaning procedures will ensure additional noise from out of balance or worn roof mounted ventilation fans is unlikely to occur. Effective inspection and maintenance forms a key part of compliance with permit condition 1.1.1 on environmental management systems and condition 1.1.2 on associated record keeping.

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.

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. Natura 2000/Ramsar sites, SSSIs and non-statutory conservation sites will be discussed in detail separately below.

Natura 2000/Ramsar sites

The following sites have been considered:

SAC, SPA and Ramsar sites (within 5km):

- River Wye SAC

HRA consultation:

An OGN 200 Form 1 has been completed and forwarded onto our internal Natural Resource Management (NRM) team for consultation and notification. Full details of the assessment carried out of the potential effect of ammonia emissions from the proposed site on any SAC (designated under s28(1) of the Wildlife and Countryside Act 1981) mentioned above are detailed in the forms. The proposal displays a

reduction in ammonia concentrations and nitrogen deposition rates at all receptor locations, presenting a betterment compared to the existing development.

SSSI Assessment

SSSI (within 5km):

- River Teme SSSI
- River Ithon SSSI

An Appendix 4 Form was completed to assess the potential to effect the SSSI site, this is available to view on the public register. Full details of the assessment carried out of the potential effect of ammonia emissions from the proposed site on any SSSI site (designated under s28(1) of the Wildlife and Countryside Act 1981) mentioned above are detailed in the forms. The proposal displays a reduction in ammonia concentrations and nitrogen deposition rates at all receptor locations, presenting a betterment compared to the existing development.

It was noted that if no comments were received by the deadline (23/11/21) set out in the email sent for habitat consultation then we assume that there are no objections or comments for the proposal outlined in the OGN 200 Form 1 or Appendix 4.

6 Setting ELVs and other Permit conditions

There has been no changes to the monitoring or reporting as part of this variation. 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.

6.1 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. 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.

6.2 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. We made this decision in accordance with EPR 6.09 “*How to Comply with your Permit for Intensive Farming*”.

ANNEX 1: Consultation Responses

A) Advertising and Consultation on the Application

There was no requirement to advertise this Application since it was classified as a normal variation. To note Environmental Public Health Service in Wales has provided a Public Health Risk Assessment. 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
1. A site ammonia and odour management scheme should be implemented and maintained.	1. The applicant has created odour management plans to minimise ammonia and odour at nearby sensitive receptors.
2. Best Available Techniques (BAT) and management controls should be applied.	2. Operating techniques and permit conditions cover concerns.
3. Impacts of noise at sensitive receptors.	3. See section 5.6
4. All on-site storage of liquids is accompanied by bunding in compliance with industry practice and guidance.	4. See section 4.2.1
5. The applicant should seek external accreditation for the Environmental Management System (EMS) e.g. ISO14001 standard.	5. The Environmental Management System is addressed within this decision document, in particular at section 4.3.3.