

Natural Resources Wales permitting decisions

Philip Rogers and Simon Rogers
Upper Heath Poultry Unit

Decision Document

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Variation

The variation number is: EPR/AB3093ZW/V003

The applicant /operator is: Philip Rogers and Simon Rogers

The Installation is located at: Upper Heath Poultry Unit, Upper Heath Farm, Presteigne, Powys, LD8 2HG

We have decided to issue the variation for Upper Heath Poultry Unit operated by Philip Rogers and Simon Rogers.

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.

Key issues of the decision

Receipt of application

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/AB3093ZW currently permits Philip Rogers and Simon Rogers 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 for the rearing of up to 90,000 broiler birds. This normal variation is to vary this permit to increase the number of broiler birds by 20,000 to house a maximum of 110,000 at the installation. In addition, a Multi Heat Heating system will be installed to provide heating for the two broiler houses before the bird's arrival. The Multi Heat heating system will maintain house temperature and humidity to achieve litter with a high dry matter content

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.

Receipt of Application

The Application was accepted as duly made on **04/11/2021**. 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.

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 relating to a revised Non-technical summary, Ammonia modelling report, Water, Energy and Raw Materials documents also information relating to the management of manure at the installation. Upon receipt of this information, we were able to consider the application Duly Made.

Further requests were sent via informal email's to discuss information relating to the management of manure/waste and queries relating to the potential risk of heating failure at the facility.

A copy of the information notice and e-mails requesting further information were placed on our public register as were the responses when received.

Consultation

An email was initially sent out to the North Powys Environment Team to highlight the submitted normal variation application and the decision whether or not a consultation would be carried out due to the location and surrounding designated sites along with

previous comments raised from previous consultations. A decision was made that there was no requirement to carry out a consultation on the Application as this applicant has applied for a Normal Variation. A copy of the email discussion can be found on our public register.

Permitted activities

The Facility is subject to the EPR because it carries out an activity as described 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.

This facility is now regulated for the rearing of up to a maximum of 110,000 broiler chickens.

An installation may also comprise “directly associated activities”, which at this Installation include:

- Feed silos
- Biomass boiler
- Dirty water storage
- Fuel storage

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

The site

The site lies approximately 2km east of Prestigne at grid reference SN 33252 63332. The surrounding area is hilly with some woodland. The predominant land use is grassland and grazing. As part of the variation the operator will be adding a Multi Heat Heating system to provide indirect hot water heating for the two broiler houses on site. The existing houses will have an extension to accommodate for the additional 20,000

broiler birds. No site condition report has been provided as there is no increase to the site boundary as part of this variation. 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.

What the installation does

The facility will comprise of two poultry houses constructed to the latest available BAT, with an extension to the buildings to provide additional capacity for a maximum of 110,000 broiler places. The Multi Heat heating system will be used to pre-warm the houses which are covered in a minimum depth of 2 cm of bulk shavings before the bird's arrival. The temperature and humidity will be closely monitored on a daily basis to achieve a target level of 21° C post brooding and a relative humidity of 55-60%, this should achieve litter with a high dry matter content which is important to minimising emissions. The buildings will be equipped with high velocity roof vents and will be heated via a Multi Heat Heating system backed up by a biomass boiler with a total thermal input of 600kwh in the case of a heating malfunction.

Birds will be housed at day old and depopulated with 35% of the birds thinned at around thirty-three days and the remainder taken at approximately forty-two days of age with approximately seven days empty, which will give 7.75 cycles per annum, producing around 850,000 birds per annum. The birds will be delivered and removed on an "All In, All Out" basis, which means that the entire flock will be removed from both houses before a new flock cycle begins. As a result, there will be no overlap between different flocks of birds.

After the birds are removed the litter will be removed from site and sold. The buildings will then be cleaned, disinfected and dried prior to the next re-stocking of birds. All wash waters will be directed to sealed underground dirty water tanks. Records of tonnages of litter and wash water removal are recorded, both litter and wash water will be treated then spread on operator-controlled land under a Manure Management Plan agreed by Natural Resources Wales.

Management

The Applicant has provided an amended Environmental Management System (EMS) summary that supplements the previous EMS that meets the requirements for an EMS in our “How to comply with your environmental permit guidance”. The Applicant submitted a summary as part of this variation to include sections on normal operations, maintenance schedule and records, incidents and abnormal operations, complaints system, accidents, training, installation plans and site security.

All written management systems have been updated to accommodate the increased in bird places with no changes to planned. 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.

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.

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.

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.

Avoidance, recovery or disposal of wastes produced by the activities

At depletion any remaining litter will be removed from the houses immediately site and sold to a third party. Litter will be directed into covered trailers and taken off site. No litter is to be stored on site at any time. Litter will spread on predominantly arable acreage under a full Manure Management Plan (MMP) matching application rates to the nutrient requirements of the crops in accordance with the “*Good Agricultural Practises for the protection of Soil, Water and Air*”. Records and dates of tonnages will be recorded and held on site for inspection.

It is noted that the company purchasing the additional litter has sufficient acreage for land spreading under a manure management plan that would prohibit any spreading on land in a flood zone or having the potential for run off. The MMP is compliant with Nitrate Venerable Zones regulations.

The site will be pressure washed, disinfected and dried out prior to each crop cycle beginning. All poultry house wash waters will be contained in a separate sealed system and directed to a sealed underground tank. Lightly contaminated water from yard washing during the cleanout process will be directed to a separate sealed underground tank by means of a diverter valve.

Inorganic waste generated by the farm will mainly consist of paper, plastic and glass. Paper waste commonly generated from chick box liners upon delivery of day-old chicks. Plastic waste will normally have two forms, wrapping from bales of wood shavings and bottles from used disinfectants and detergents. The latter form of plastic waste is returned to the Company for disposal after use, as are used light bulbs. The plastic waste can be minimised through good managerial techniques. By good management of the litter quality fewer bales of wood shavings will be needed, thus lowering the amount of waste discarded that is associated with these activities.

Minimising the Facilities 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

Assessment of Impact on Air Quality

This section of the decision document deals primarily with the ammonia and dust emissions to air and its impact on local air quality. Operating procedures have been put in place to minimise the risks in line with BAT procedures. When considered in comparison to the existing development, 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. 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.

Impact on Habitats sites, SSSIs, non-statutory conservation sites

The Facility is within the relevant screening distance criteria for protected conservation sites. A full assessment of the application and its potential to affect any of the sites has been carried out as part of the permit determination process.

Natura 2000/Ramsar sites

Habitats Regulations Assessment (HRA) is not required because there is no conceivable impact pathway to any Natura 2000/Ramsar site.

SSSI Assessment

The following Sites of Special Scientific Interest (SSSI) are located within 2 km of the installation:

Wales

- River Lugg SSSI

England

- River Lugg SSSI
- Flintsham & Titley Pools SSSI
- Byton & Combe Moors SSSI

An Appendix 4 Form was completed to assess the potential to affect the SSSI site, this is available to view on the public register. The Appendix 4 was sent to both the relevant internal Natural Resources Wales (NRW) environment team also Natural England (NE) consultations. The assessment concluded the proposed installation has

a reduced impact of ammonia concentrations and nitrogen deposition to the modelled ecological receptors over the existing installation layout, presenting a betterment.

Both the NRW and NE raised a query relating to the management of litter that is exported from site. An email was sent to the applicant requesting them to confirm how litter will be managed once exported from the site. The applicant confirmed that the additional litter produced by the increased number of birds will be sold to a third party and spread on predominantly arable acreage under a full manure management plan matching application rates to the nutrient requirements of the crops in accordance with the "Good Agricultural Practises for the protection of Soil, Water and Air".

We are happy that this management of litter is in line with the Good Practise and will expect to be compliant with the Manure Management Plan provided detailed in the application. A copy of the information notice and e-mails are placed on our public register as were the responses when received.

Odour

As part of this variation, 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 nearest receptor situated 210m to the north-north-east). The OMP describes the measures and controls in place to minimise sources of odour and emissions arising from the increased numbers of broilers at Upper Heath Farm. The actions and preventative measures in OMP referenced from Odour Assessment Document and Fugitive Emissions Assessment are in line with the H1 Risk Assessment. 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.

The Odour Management Plan will be reviewed every year from permit issue date, prior to any major changes to operations (to ensure effectiveness) or following any complaint, any changes to OMP or other management plans are to be documented dated and signed and Natural Resources Wales Area Officer immediately notified.

Noise

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” because there are sensitive receptors within 400 metres of the installation as part of this variation. The measures given in the NMP reference the Noise Assessment document completed as part of the H1 Assessment. In the event of a noise complaint being received Natural Resources Wales will be immediately informed, the complaint would be logged in the complaint form with full details of the nature of the incident, an assessment of operations would be conducted to establish the cause of the complaint at the time of notification. Full details will be recorded in the complaints log detailing the possible cause, actions taken to rectify the issue. Noise Management Plan would be reviewed following an incident with any changes logged and Natural Resources Wales notified of changes made to prevent or reduce re occurrence.

The potential noise impacts from the installation were assessed and found to be satisfactory at the time of the original permit application. This variation makes no change to the predicted noise emissions and therefore this matter has not been reviewed further at this stage.

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.

Monitoring

There has been no change to monitoring as part of this variation.

Reporting

There has been no change to reporting as part of this variation.