

Natural Resources Wales permitting decisions

Mr Robert Powell and Mr Cyril Powell

Blaenbwch Farm

Decision Document

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New bespoke permit

The application number is: **PAN-003848**

The applicant /operator is: **Mr Robert Powell and Mr Cyril Powell**

The Installation is located at: **Blaenbwch Farm, Blaenbwch, Maesmynis, Builth Wells, Powys, LD2 3HU.**

We have decided to grant the permit for Blaenbwch Farm operated by Mr Robert Powell and Mr Cyril Powell.

The permit number is **EPR/BB3292FP/A001**

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

The Application was received on 16th November 2018 and was duly made on 15th January 2019 following the receipt of additional information. 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.

Consultation

The consultation requirements were identified and implemented. The decision was taken in accordance with RGN 6 High Profile Sites, our Public Participation Statement and our Working Together Agreements.

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 (PHW)**

These are bodies whose expertise, democratic accountability and/or local knowledge make it appropriate for us to seek their views directly.

The consultation started on **18/01/2019** and ended on **15/02/2019**.

An advert was also placed on our website, this started on the **18/01/2019** and ended on **15/02/2019**.

On completion of the draft determination, we advertised this draft determination on our website from **19/03/2019** until **16/04/2019**. No responses were received.

Further details along with a summary of consultation comments and our response to the representations we received can be found in Annex 1. We have taken all relevant representations into consideration in reaching our determination.

Operator

We are satisfied that the applicant (now the operator) is the person who will have control over the operation of the facility after the grant of the permit. The decision was taken in accordance with EPR RGN 1 Understanding the meaning of operator.

The facility

The regulated facility is an installation which comprises the following activities listed in Part 2 of Schedule 1 to the Environmental Permitting Regulations and the following directly associated activities.

- Intensive rearing of poultry with a maximum of 100,000 broiler birds;
Section 6.9 A(1)(a)(i) Rearing of poultry or pigs intensively in an installation with more than 40,000 places for poultry.

Supported by the following directly associated activities;

- Dirty water storage
- Feed storage
- Air scrubbing units

Legislation

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

All applicable European directives have been considered in the determination of the application.

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;
- 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.

The site

There will be two poultry houses (maximum capacity of 100,000) with air scrubbing units to achieve 90% reduction in ammonia and these will be designed and managed in accordance with Best Available Technique (BAT). The operator has provided a plan which we consider is satisfactory, showing the extent of the site of the facility.

Birds will be housed at day old and depopulated at the end of the rearing cycle, this will be done on an all-out all in basis. There will be approximately eight cycle per annum.

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 high dry matter content, which is important to minimising emissions. Ventilation is controlled by temperature, ventilation will be passed through air scrubbing units fitted to each house at the western gable ends to reduce emissions. Heating will be provided by hot water blown air radiators produced by LPG boilers. Water is via a nipple drinking system fitted with cups to reduce leakage and spills leading to drier litter.

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

Site condition report

The operator has provided a description of the condition of the site.

We consider this description is satisfactory. The decision was taken in accordance with our guidance on site condition reports – guidance and templates (H5).

Biodiversity, Heritage, Landscape and Nature Conservation

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 species or habitat has been carried out as part of the permitting process. We consider that the application will not affect the features of the species or habitat.

Specifically we looked at the potential impacts on the following:

Five SSSI's were identified within the 5km screening distance from the proposed installation; Allt Cynhelyd, Duhonw, Mynydd Epynt, River Wye, Upper Chapels Pasture.

The process contribution from the installation for ammonia and nitrogen depositions have been calculated and compared against the minimum and maximum critical loads for each habitat type found within the SSSI's.

Where the Process Contribution (PC) is below 1% of the appropriate ammonia critical level / nitrogen critical load no further assessment is required. This was the case for Allt Cynhelyd, Duhonw and Upper Chapels Pastures. Further assessment was required for the Mynydd Epynt and River Wye SSSI.

As in line with OGN041 and GN020, where the livestock unit's process contribution, either alone or in combination with other sources (where they exist), is between 1 – 8 % or above 8% it needs to be considered in the context of background ammonia concentration and nitrogen deposition at the sensitive receptor. This is termed the predicted environmental concentration (PEC) and includes the addition of the PC of the unit being assessed with other sources (sumPCs) and with background levels. There are no other farming activities within the vicinity to act in combination.

The PEC does not cause an exceedance of the critical level / load for the site, further assessment is not required.

The modelled impacts of the potential ammonia emissions on these sites were below level of concern. Further details are provided in the Appendix 4.

Nature 2000 sites were also reviewed. Two SAC's were identified within the 10km screening distance from the proposed installation; River Wye and Mynydd Epynt.

Also considered impacts on:

- Local Wildlife Sites – Cwm Bwch Farw Meadows. Senny Bridge Quarry
- Ancient Woodlands

The applicant has carried out detailed modelling of the potential impact of dispersion and deposition of Ammonia from the site taking into account the emission reductions from air scrubbing units for the SAC's too.

As above, the process contribution from the installation has been calculated and compared against the minimum and maximum critical loads for each habitat type found within the designated sites. The modelled impacts of the potential ammonia emissions on these sites were below level of concern. Further details are provided in the Form 1.

Environmental Risk Assessment

Air

The Applicant has assessed the Installation's potential emissions to air against the relevant air quality standards, and the potential impact upon human health. These assessments predict the potential effects on local air quality from the Installation's emission.

The air impact assessments, and the dispersion modelling has been based on the Installation operating continuously at the relevant long-term or short-term emission limit values, i.e. the maximum permitted emission rate.

We are in agreement with this approach.

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.

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 the roofs and yard areas to discharge to ground via a soakaway.

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.

Odour

The applicant has described a detailed series of measures that will be put in place to minimise odour emissions 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 measures for the installation. The techniques described in the documents submitted in support of the application have been incorporated into table S1.2 of the permit as operating techniques. Permit condition 2.3.1 requires the operator to operate the installation in accordance with the techniques listed in Table S1.2 of the permit.

Odour is controlled at intensive agriculture sites in several ways, from the design of the building to the handling of manure. 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 the risk from the permitted facility of odour pollution at nearby receptors is not significant.

Noise

The applicant has described a detailed series of measures that will be put in place to minimise noise emissions 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 measures for the installation. The techniques described in the documents submitted in support of the application have been incorporated into table S1.2 of the permit as operating techniques. Permit condition 2.3.1 requires the operator to operate the installation in accordance with the techniques listed in Table S1.2 of the permit.

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.

Movement of vehicles outside the installation boundary is outside the regulatory scope of the Environmental Permitting (England and Wales) 2016 and is a matter for the local authority.

Permit condition 3.4.1 requires that emissions from the activities shall be free from noise and vibrations at levels to cause pollution outside the site. This will be checked during NRW site inspections and if it is not, we will take appropriate action.

Noise is not generally a source of complaints for the intensive farming sector in Wales. This conclusion is supported by information on noise complaints from NRW's own database.

We are satisfied that pollution due to noise will be managed to acceptable levels. We consider the permit conditions and operating techniques to be sufficiently protective and are satisfied that the operational measures taken to minimise noise are compliant satisfactory.

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 and to prevent pollution from fugitive emissions.

Operating techniques

We have reviewed the techniques used by the operator and compared these with the relevant guidance notes.

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

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.

Environment management system

There is no known reason to consider that the operator will not have the management systems to enable it to comply with the permit conditions. The decision was taken in accordance with RGN 5 on Operator Competence.

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
Overall conclusion included “Based upon the information submitted by the applicant and provided that Best Available Techniques (BAT) and management controls are applied as per relevant sector guidance, then we see no public health reasons to object to the proposed activities associated with this permit.	The applicant has proposed BAT and has stated that they have the appropriate management controls.
We would recommend that the regulator consider a cumulative impact assessment should there be any other existing or proposed poultry units in the locale. We are not aware of any other units in the locale.	There are no other units of any significance in the locale

<p>A site ammonia scheme management plan be implemented and maintained to ensure no adverse ammonia concentrations or associated 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 ammonia has been undertaken and shown to be below concentrations likely to cause nuisance or health effects.</p> <p>The applicant should be required to produce and maintain a manure management plan detailing when and where waste litter and manure will be stored and applied to land to avoid off-site impacts from odour and pests. This should include avoiding cumulative odour impacts from any other sources or activities.</p> <p>Dusts and bio-aerosols may have possible health effects. Appropriate assessment and operational management of such emissions in accordance with BAT is recommended.</p>	<p>As stated the modelling has demonstrated that there are no predicted adverse impacts. Odour management plan in place along with odour condition and ammonia reporting requirements within the permit.</p> <p>This is outside of the installation boundary and is beyond the scope of what can be regulated by the permit. Litter is not stored at the installation. Litter is spread on land belonging to the Operator. Any litter that is exported from the installation has records kept of the quantities, destination and the date of transfer to separate farming businesses. Contingency arrangements are in place with surrounding farms to accept the manure in case of an emergency. Litter is spread to land under a manure management plan in accordance with the Code of Good Agricultural Practice.</p> <p>The site is operated in accordance with BAT and no sensitive receptors are located within close proximity to the site.</p>
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<p>All on-site storage of liquids should be accompanied by bunding.</p> <p>The regulator must be sure that the noise from the proposed activities does not cause nuisance at nearby sensitive receptors.</p> <p>Recommendation that a timetable be agreed for the applicant to seek external accreditation for the Environmental Management System eg ISO4001</p>	<p>Fuel tank for back-up generator is to be bunded.</p> <p>A noise management plan is in place and the permit includes relevant noise condition.</p> <p>While NRW would welcome such an accredited management system, we have reviewed the proposed management system and while not externally accredited, it is fit for this installation and is in keeping with the industry standards.</p>
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2) Consultation Responses from Members of the Public and Community Organisations

A number of the issues raised during the consultation process are outside Natural Resources Wales remit in reaching its permitting decisions. Specifically questions were raised which fall within the jurisdiction of the planning system, both on the development of planning policy and the grant of planning permission. Specific planning issues raised related to the location of the site, the location of the stack, traffic movements and emissions from off-site traffic movements.

Guidance on the interaction between planning and pollution control is given in PPS23 / Planning Policy Wales. It says that the planning and pollution control systems are separate but complementary. We are only able to take into account those issues, which fall within regulatory scope of the Environmental Permitting Regulations.

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