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Natural Resources Wales permitting decisions

Pencreig Fawr Broiler Unit

Decision Document

New bespoke permit

The permit number is: [EPR/BB3293ZJ/A001](#)

The Applicant / Operator is: Mr Robert Gwyn Edwards, Mrs Joan Lynn Edwards, Mr Dion Gwyn Edwards and Mr Robert Cai Edwards

The Installation is located at: Pencraig Fawr, Betws Gwerfil Goch, Corwen, Denbighshire, LL21 9PL

We have decided to grant the permit for Pencraig Fawr Broiler Unit operated by Mr Robert Gwyn Edwards, Mrs Joan Lynn Edwards, Mr Dion Gwyn Edwards and Mr Robert Cai Edwards.

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 1 the consultation and web publicising responses

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Key issues of the decision

1 Our decision

Based on the information currently available to us we have granted a permit to the Applicant. This allows them to operate the Installation, subject to the conditions in the Permit.

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 Environmental Permitting Regulations 2016 ('EPR') and is subject to the requirements of 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 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.

2 How we reached our decision

2.1 Receipt of Application

The Application was accepted as duly made on 08/01/19. 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

We carried out consultation on the Application in accordance with the Environmental Permitting Regulations 2016 ('EPR'), the Industrial Emissions Directive ('IED'), our statutory Public Participation Statement ('PPS') and our Regulatory Guidance.

We advertised the Application by a notice placed on our website, which contained all the information required by the EPR/IED, including advising people where and when they could see a copy of the Application. The consultation started 09/01/19 and ended 06/02/19.

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":

- **Denbighshire County Council Planning Authority**
- **Denbighshire County Council Environmental Protection Department**
- **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.

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.

We carried out a consultation on our draft decision. This consultation began on 12/04/19 and ended on 13/05/19.

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;
- 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 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 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 includes.

- Dirty water tank
- Fuel and Chemical storage

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

4.1.2 The Site

Pencraig Fawr Broiler Unit is located west-north-west of the village of Melin-y-Wig in Denbighshire. The site is situated south of Clocaenog Forest at an elevation of around 340m. There are no nearby residences within 400 metres of the poultry houses. The National Grid Reference is 301915, 349169.

The operator has provided a plan which we consider is satisfactory, showing the extent of the site of the facility. The operator has provided a site layout/drainage plan which includes discharge and emission points. A plan is included in the permit and the operator is required to carry on the permitted activities within the site boundary.

Pencraig Fawr Broiler Unit proposes to operate as a broiler meat production unit with capacity for 100,000 broiler chickens per crop cycle. The chickens would be reared from day old chicks up to around 38 days old and there would be approximately 7.5 crops per year. The proposed poultry houses will be ventilated by high speed roof fans and would also be fitted with gable end fans.

4.2 The site and its protection

4.2.1 Proposed site design: potentially polluting substances and prevention measures

There will be two fan ventilated poultry houses, this will give a bird stocking density of approximately 100,000. The working area where vehicles operate is laid to concrete and hard standing. Feed is delivered in covered lorries and stored on site in vermin proof steel galvanised bins. Manure is removed from houses at the end of the

production cycle. Immediately following depopulation, litter is removed off site, for use on operator controlled land as fertiliser.

The houses are then washed and disinfected prior to the cycle beginning again. Underground storage tanks will have been installed to catch all wash waters. Records of tonnages of litter and wash water removal are recorded, wash water will be spread on operator controlled land. Dead birds are removed from the houses and stored in sealed containers awaiting collection from a licensed renderer. Diesel fuel storage is in a bunded tank, chemicals are stored in a frost free secure bunded store.

The site will also be operated in compliance with “how to comply with you environmental permit for intensive farming”, routine maintenance schedules are followed and recorded and with any abnormal operations recorded.

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 Applicant has completed a Site Condition Report when applying for the permit. The land had previously been used predominantly for arable farming and general agricultural use. There have been no previous pollution incidents. 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

An organisation of individuals, Mr Robert Gwyn Edwards, Mrs Joan Lynn Edwards, Mr Dion Gwyn Edwards and Mr Robert Cai Edwards (trading as Edwards Brothers) will be the Operators of the Installation. We are satisfied that the Applicants will have control over the operation of the Installation; and that the Applicants will be able to operate the Installation so as to comply with the conditions included in the Permit.

4.3.2 Relevant convictions

NRW's COLINS 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.

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 1.1.1(a) 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. The plan includes contingencies for events such as fire, power failure, flood, disease and containment failure. We are satisfied with the Applicant's Emergency Plan.

4.3.5 Site security

The site does not have a secure boundary fence, all fuel stores, 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 appropriate infrastructure and procedures will be in place prior to start up to ensure that the site remains secure.

4.3.6 Operating techniques

The chickens will be grown in 7.5, 38-day crop cycles per annum with 7-day turn around periods per crop. Feed is delivered from a UKASTA accredited feed mill and blown into bulk feed bins situated at the ends of the houses. From the feed bins, the feed is piped into the houses and distributed to the birds via a pan feeding system. The house is ventilated by high speed ridge mounted fans with gable end fans providing additional ventilation in hot weather conditions.

Fallen stock will be recorded daily and securely stored in vermin proof containers awaiting regular collection by a licenced renderer.

4.3.7 Energy efficiency

We are satisfied that the Applicant will ensure that energy is used in the most efficient way possible. The poultry houses are insulated and have an adequate ventilation system to help regulate temperature and maintain a healthy environment inside the house.

4.3.8 Avoidance, recovery or disposal of wastes produced by the activities

At depletion any remaining litter will be removed from the site and used on operator controlled land. At the end of the cycle the site will be pressured washed, disinfected and dried out prior to the cycle beginning again. All wash waters will be contained in

sealed underground tanks. Wash water along with sediment traps will be emptied and removed with litter, reducing emissions. Records of tonnage of litter and wash water removal are recorded.

Inorganic waste generated by the farm will mainly consist of paper, plastic and glass. Plastic waste will normally be in two forms, wrapping from bales of wood shavings and bottles from used disinfectants and detergents. The amount of plastic waste will be minimised through good managerial techniques. By good management of the litter quality, fewer bales of wood shaving will be needed, thus lowering the amount of plastic wrapping discarded. Large empty plastic bottles from detergents will be 'recycled' and used for food dip containers or smaller rubbish bins for the storerooms.

Poultry carcasses are, under normal circumstances, collected and stored in sealed containers awaiting regular collection under the fallen stock scheme by a licensed collection agent. As a contingency plan or if an outbreak of high mortality should arise, carcasses will be placed in sealed containers and removed, as detailed in the emergency plan.

In the event of high mortality caused by disease, the operator will follow the guidance of the allocated veterinarian dealing with the outbreak. The mortality would be disposed of at an approved landfill site under the advice of that veterinarian, after consideration of weather conditions and geographical haulage parameters.

We are satisfied that waste from the Installation that cannot be recovered will be disposed of offsite using a method that minimises any impact on the environment. Permit condition 1.4.1 will ensure that this position is maintained.

5 Minimising the Installation's environmental impact

Regulated activities such as Intensive Farming 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 and generation of waste. All these factors are discussed in this and other sections of this document.

The following sections of this document explain how we have considered 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 completed an odour assessment for the proposed site, although there are no sensitive receptors within 400 metres of the installation. 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;
- Clean out will be carried out as soon as possible following destocking;

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. 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. Clean, uncontaminated rainwater from roofs and yard areas will drain to a soakaway. During wash down, the diverter valves will be switched and any contaminated yard wash will be directed to a sealed underground tank (20000 litre capacity). There will be no direct discharges to surface water.

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 a sealed underground tank.

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. To minimise dust emissions feed is stored in purpose built covered feed silos located next to the broiler 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. Feed spillages will be cleared up promptly and a specialist contractor will be used to control pests.

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 no sensitive receptors within 400 metres of the installation.

The noise risk assessment states that roof mounted ventilation fans will be subject to regular, end of cycle maintenance by qualified electricians. 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. 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.

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, SPA and Ramsar sites (within 5km):

None.

SSSI (within 5km):

Coedydd Dyffryn Alwen SSSI is located approximately 0.7km south west from the proposed installation.

Cefn Rofft SSSI is located approximately 1km north west from the proposed installation.

We also considered the potential impacts on nearby ancient woodlands, local wildlife sites, local nature reserves and national nature reserves (within 2km).

The applicant has carried out screening of the potential impact of dispersion and deposition of ammonia from the site. The submitted report concludes that should the permit be granted at Pencraig Fawr Broiler Unit, the ammonia emissions from the unit would increase. The modelling predicts that the maximum annual ammonia concentrations at the nearest receptors considered would be above the threshold for a designated site (1% of CLe (Critical Level) for SSSI ($1 \mu\text{g}/\text{m}^3$)) at the two sites. However, there are no known Nitrogen sensitive species of bryophytes/lichens at the SSSI's so a critical level of $3 \mu\text{g}/\text{m}^3$ was used for the assessment. Our conclusions were that the proposal is not likely to have a significant adverse impact on the nearby SSSI's or ancient woodland.

HRA consultation:

A CRoW Appendix 4 has been completed and forwarded onto our internal Natural Resource Management (NRM) team for consultation and notification. Full details of the assessment carries out and any in-combination assessment of the potential effect of ammonia emissions from the proposed site on any SSSI mentioned above are detailed in the forms. It was also noted that there were no known European Protected Species that would be significantly adversely impacted by this installation.

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

6.4 Pre-operational conditions

Based on the information in the application, we do not consider that we need to impose pre-operational conditions.

6.5 Improvement conditions

Based on the information on the application, we do not consider that we need to impose improvement conditions.

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
1. A site ammonia and odour management scheme should be implemented and maintained	1. There are no sensitive receptors within 400 metres of the poultry units. Permit condition 3.3.1 covers odour emissions from site. The installation will operate using Best Available Techniques (BAT) to reduce ammonia emissions
2. The applicant should 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 of odour and pests.	2. Any litter is spread in accordance with a manure spreading plan and the 'Code of Good Agricultural Practice'. Any litter that is exported from the installation has records kept of the quantities, destination and the date of transfer to separate farming businesses.
3. Appropriate assessment and operational management to mitigate fugitive emissions is recommended in accordance with BAT.	3. Fugitive emissions are covered in section 5.5.
4. All on-site storage of liquids should be bunded in compliance with industry practice and guidance.	4. On-site bunding will meet the requirements of the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) Regulations 2010 (SSAFO Regulations) and meet the requirements outlined in SGN EPR 6.09 How to comply.

<p>5. Noise must not cause a nuisance at nearby sensitive receptors.</p>	<p>5. There are no sensitive receptors within 400m of the installation. The applicant has completed a noise assessment. See section 5.6.</p>
<p>6. The applicant should seek external accreditation for the Environmental Management System (EMS) e.g. ISO14001 standard.</p>	<p>6. The applicant has completed an EMS. See section 4.3.3.</p>

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

Number of Responses Received - 1	
Brief summary of issues raised:	Summary of action taken / how this has been covered
1. Detrimental effect on local habitats (SSSI's) and wildlife.	1. See section 5.7. Impacts from the proposed site on nearby habitats (SSSI's) and species have been assessed and a decision of no likely significant effect was reached.
2. Detailed deposition only shows areas upwind of the proposed site.	2. The modelling focuses on the area to the south-east of the proposed installation because that is where the designated sites are located. There are no designated sites downwind of the installation (within 5km).
3. Potential impacts to water quality and downstream ecosystems.	3. See section 5.3. The site has no discharges to surface water. Only clean uncontaminated water may be discharged to the soakaway. All wash water is collected in a dirty water tank.
4. Lack of EIA and hydrological assessment.	4. In form 'Part B3' the applicant has stated they do not have an EIA. It is unlikely that the EIA information would have added significantly to the content of our own permit determination and in particular the environmental risk

	<p>assessment conducted in accordance with our guidance, as these are likely more detailed. NRW's position is that the EIA Directive has been properly implemented through the planning system and it does not require implementation during the pollution control (environmental permit) determination.</p> <p>For a hydrological assessment the proposed sites underlying hydrogeology is classified as secondary B aquifer and the site does not lie within a source protection zone. The nearest watercourse the Afon Alwen runs approximately 1km to the south-west of the site. The site is classified as low risk in respect of flooding (Development Zone A).</p>
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