

**Natural Resources Wales permitting decisions**

# Mills Poultry Limited (Cefnau Bach) Decision Document

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## **New bespoke permit**

**The application number is: PAN-001358**

**The applicant /operator is: Mills Poultry Limited**

**The Installation is located at: Cefnau Bach, Llangadfan, Welshpool, Powys, SY21 0QA**

We have decided to grant the permit for Cefnau Bach operated by Mills 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.

The permit 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 (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.

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. For an installation of this kind, the principal emissions are ammonia, dust, odour, noise and effluent discharges.

The facility will comprise of four poultry houses with 250,000 places designed for rearing chickens for meat production. Birds will be brought in from a hatchery and are transported to a processing plant at the end of the growing period. The average cycle length is 49 days. The four poultry houses will be built of steel, with a steel roof and

sited on a concrete base, which will overlie a visqueen membrane. All ventilation will be provided by high velocity ridge fans and side inlets. The site has been used for general agriculture particularly grazing stock.

### **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 9<sup>th</sup> March 2017, making the duly making assessment deadline 30<sup>th</sup> March 2017. The duly making assessment was carried out on 16<sup>th</sup> March 2017, and it was determined that the application could not be duly made at that point because the registered office address stated on application form Part A did not match that on Companies House, and the incorrect fee had been paid for the application. The applicant clarified the correct registered office address to NRW via email on the 16<sup>th</sup> March 2017, and the additional fee required was paid on 22<sup>nd</sup> March 2017. The application was therefore considered duly made on 22<sup>nd</sup> March 2017. This means that 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 statutory deadline for determining the application was 22<sup>nd</sup> July 2017. However, as a result of additional time requested and taken by the operator to provide information relating to ammonia emissions, the statutory deadline for determining the application was extended by 34 days from 22<sup>nd</sup> July 2017 to 25<sup>th</sup> August 2017 (see section on Air). Also, as a result of a request for an extension to the determination period by NRW, the statutory deadline was then extended again by 6 weeks from 25<sup>th</sup> August 2017 to 6<sup>th</sup> October 2017.

### Confidential information

No claim for commercial or industrial confidentiality has been made.

### Identifying confidential information

We have not identified information provided as part of the application that we consider to be confidential. The decision was taken in accordance with our guidance on commercial confidentiality.

### Consultation

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

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**
- **Powys Teaching Health Board**
- **Public Health Wales**

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 **6<sup>th</sup> April 2017** and ended on **5<sup>th</sup> May 2017**.

An advert was also placed on our website.

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 1 of Schedule 1 to the EPR and the following directly associated activities:

Section 6.9 Part A (1) (a) Rearing pigs or poultry intensively in an installation with more than – (i) 40,000 places for poultry

Biomass Boiler – Operation of one biomass boiler with a thermal rated input of 1120kW for site heating

Dirty water tank – Storage of dirty water from washing of poultry houses

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

### **European Directives**

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

### **The site**

The local topography is hilly to mountainous, with the land generally rising to the west and northwest, towards the Snowdonia National Park area 11.25km away in that direction. The land is described as “Improved Grassland”. The dominating local land use is agricultural, livestock farming, with sheep as the primary livestock. There are occasional lone trees dotted around the landscape with a few lines of trees following former hedgerow lines. Most former hedgerows in the immediate area have been uprooted and replaced by wire fencing.

The operator has provided a plan which we consider is satisfactory, showing the extent of the site of the facility. 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. The report covers general site description, surface waters, Natural England/DeFRA Classifications, hydrology and geology classifications, and soilscapes.

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 wildlife sites has been carried out as part of the permitting process. We consider that the application will not affect the wildlife sites.

The following sites have been considered:



14 areas of Ancient Woodland (AW)s/Local Wildlife Sites (LWS)s within 2km of the site

Sites of Special Scientific Interest (SSSI)s (within 5km of the site)

Cors Llyn Coethlyn SSSI

Cors Lawnt SSSI

Coed y Lawnt a Coed Oli SSSI

Coed Copi'r Graig SSSI

Fachwen Isaf SSSI

Gweunydd Dyfnant SSSI

Gweunydd Pen-y-Coed SSSI

Bryn Coch SSSI

Special Areas of Conservation (SAC)s, Special Protection Areas (SPA)s and Ramsars (within 10km of the site)

Berwyn and South Clwyd Mountains SAC

Berwyn SPA

OGN Form 1 and CRoW Appendix 4 were completed and forwarded to our internal Natural Resources Management (NRM) team for consultation. Concerns were raised internally about the proximity of the site to wetland SSSI Cors Llyn Coethlyn. Following this, the operator carried out more detailed ammonia modelling for the proposal and submitted an updated ammonia modelling report which NRW was satisfied demonstrated that the proposal would not likely have a significant effect on any wildlife sites (see section on Air).

## **Environmental Risk Assessment**

### **Air**

This section of the decision document deals primarily with the dispersion modelling of emissions to air from the facility and its impact on local air quality.

The Applicant has assessed the Installation's potential emissions to air against the relevant air quality standards. These assessments predict the potential effects on local air quality from the Installation. We are in agreement with this approach. The assumptions underpinning the model have been checked and are reasonably

precautionary. The way in which the Applicant used dispersion models, its selection of input data, use of background data and the assumptions it made have been reviewed by Natural Resources Wales to establish the robustness of the Applicant's air impact assessment.

As part of their application, the operator submitted a report on the modelling of the dispersion and deposition of ammonia from the proposed broiler chicken rearing houses at Cefnau Bach. The modelling predicted that the process contribution of the proposed poultry unit to annual ammonia concentration and nitrogen deposition rate would be below NRW's lower threshold percentage of Critical Level or Load (4% for the SACs, SPAs, 20% for the SSSIs and 100% for the AWs/LWSs) for all sites considered.

However, concerns had been raised internally within NRW about the proximity of the site to wetland SSSI Cors Llyn Coethlyn, and the fact that for this wildlife site, the 16.3% ammonia concentration from the proposed site could cause damage to the features of the SSSI as it would be adding to the background ammonia concentration for the wildlife site which is already at 110%. On 26<sup>th</sup> June 2017, NRW wrote to the applicant stating that we were minded to refuse the application based on the above concern. The application would be refused unless the operator could demonstrate that the ammonia impact at Cors Llyn Coethlyn could be substantially reduced to a level close to the background. In their response, the operator requested a 6 week extension to the determination period of the application, from 30<sup>th</sup> June 2017, to look into the ammonia issues identified. On 3<sup>rd</sup> August 2017, the applicant submitted to NRW a revised ammonia modelling report, which included results of more detailed modelling.

The detailed modelling carried out by the operator demonstrated that the previous 16.3% ammonia concentration to Cors Llyn Coethlyn SSSI could be substantially reduced to 2%. We are satisfied that the risk of ammonia emissions from the proposal to relevant wildlife sites is not significant.

As a result of the additional time requested and taken by the operator to provide information, the statutory deadline for determining the application was extended by 34 days from 22<sup>nd</sup> July 2017 to 25<sup>th</sup> August 2017

In Appendix 7 of the application (Technical Standards), the operator confirms that hot water will be provided to the facility by one 995 Kilowatt (1120 Kilowatt input) clean biomass boiler. The information provided in the application satisfies the conditions of NRW's position statement on biomass boilers on EPR intensive farms, which states that a quantitative assessment of air emissions from biomass boilers will not be required where:

- The fuel is derived from virgin timber
- The biomass boiler appliance and its installation meets the technical criteria to be eligible for the Renewable Heat Incentive
- The aggregate boiler net thermal input is less than 2MWth where: 1) the stack height is greater than 1 metre above the roof level of any buildings within 25 metres (or where there are no buildings within 25 metres, the stack height must be a minimum of 3 metres above the ground, 2) there are no Special Areas of Conservation, Special Protection Areas, Ramsar sites or Sites of Special Scientific Interest within 500 metres of the emission point(s), 3) there are no National Nature Reserves, Local Nature Reserves, Ancient Woodlands or Local Wildlife Sites within 100 metres of the emission point(s), and 4) there are no sensitive receptors within 150 metres of the emission point(s).

### Emission limits

We have decided that emission limits should be set for the parameters listed in the permit.

### 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.

In Appendix 7 of the application (Technical Standards), the operator states that the only discharge to water will be yard drainage discharge of uncontaminated surface water to an off-site open drainage ditch leading to River Banwy.

### Emission limits

We have decided that it is not relevant to set emission limits for the parameters listed in the permit.

## Soil

The operator has provided a description of how the site has been designed to prevent/minimise harmful release of polluting substances. Raw materials such as biocides, pesticides, veterinary medicines, bedding types, fuels and oils will be contained. The fuel oil storage tank for generator will be bunded and will be integral to the generator. The bunds meet the requirements of the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991 (amended 1997) and meet the requirements outlined in SGN EPR6.09. The tanks will be regularly inspected. The Liquid Petroleum Gas tanks will be protected from collision damage by guard rails. Pesticides and veterinary medicines will be kept in a store capable of retaining spillage, resistant to fire, dry, frost free and secure. Feed will be kept in silos adjacent to the broiler sheds. No liquid feed will be stored at the site. The silos will be sited away from site traffic and protected from collision damage.

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

## Odour

This section of the decision document deals primarily with the dispersion modelling of odour from the facility and its impact on nearby receptors.

The Applicant has assessed the Installation's potential odour emissions against the relevant odour standards, and the potential impact upon nearby receptors. We are in agreement with this approach. The assumptions underpinning the model have been checked and are reasonably precautionary. The way in which the Applicant used dispersion models, its selection of input data, use of background data and the assumptions it made have been reviewed by NRW to establish the robustness of the Applicant's odour impact assessment.

As part of their application, the operator submitted a report on a dispersion modelling study of the impact of odour from the proposed broiler chicken rearing houses at Cefnau Bach. H4 Odour Management guidance explains that the odour benchmarks are based on the 98<sup>th</sup> 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.

The modelling predicted that at all nearby residences, the predicted 98<sup>th</sup> percentile odour concentrations would be below NRW's benchmark for moderately offensive odours, a maximum annual 98<sup>th</sup> percentile hourly mean concentration of 3.0 ouE/m. We are satisfied that the risk of odour pollution at nearby sensitive 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 only represents 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 operator 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 400m of the installation. The OMP described 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 Best Available Techniques (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.

## 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 400m of the installation. Potential sources of noise include vehicles travelling to and from the site and ventilation fans. The NMP describes the measures and controls in place to minimise noise. 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 noise production at the installation.

## Fugitive emissions

Appropriate measures for preventing and minimising fugitive emissions will be in place in accordance with the SGN EPR 6.09, including:

- Buildings will be maintained in good repair
- Areas around buildings will be kept free from build-up of manure, slurry and spilt feed
- Footbaths will be managed so that they do not overflow
- Drainage from animal housing and water from cleaning out will be collected in an underground storage tank
- Diverter bungs will be used during wash down periods to prevent the contamination of surface water systems and to divert the wash water to the dirty water tanks.
- Clean drainage systems will not be contaminated.

- Drainage from yards contaminated by litter or wash water will be collected in a dirty water tank.

With regards to dust:

- Feed will be stored in purpose built covered feed silos located next to the broiler sheds.
- No milling of feed will take place at the farm. All mixing of whole wheat with propriety feeds will be in a sealed steel shed. All feed will be delivered to the farm by lorry from feed suppliers. Feed will be blown directly from the lorry into the storage silos. Feed will be piped from the silos to the sheds minimising dust emissions.
- Ventilation systems will be operated to achieve optimum humidity levels for the stage of production in all weather and seasonal conditions.
- Control of minimum ventilation rates will be planned to avoid the build-up of moisture in the house.
- Ventilation will be appropriate to the age and weight of the animal.
- The sheds will be managed to maintain the poultry litter is as dry and friable condition as possible. Dust will be controlled through the management of litter and air quality.
- All minimum ventilation in all the Broiler houses will be by high velocity roof outlets with some gable end fanning in hot summer weather.
- Rainwater from the houses is captured and directed using 'french' drains before being directed off site.
- Litter will not be stored on the site.
- The biomass used in this system will be clean biomass and will not contain any used or recycled material. The biomass will be delivered in to a sealed store thus minimising any dust. From the store the biomass is augured in to the boiler using a sealed system to prevent dust escaping in to the atmosphere. The boiler room itself is also sealed again to prevent dust from escaping in to the atmosphere.

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.

## Monitoring

No monitoring is required from the point source emissions on site. We made this decision in accordance with EPR 6.09 “*How to Comply with your Permit for Intensive Farming*”.

### **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*”.

### **Operating techniques**

We have reviewed the techniques used 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 permit conditions**

### **Use of conditions other than those from the template**

Based on the information in the application, we do not consider that we need to impose conditions other than those in our permit template.

### **Raw materials**

We have specified limits and controls on the use of raw materials and fuels.

### **Waste types**

No waste types can be accepted at the regulated facility.

### **Pre-operational conditions**

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

### **Improvement conditions**

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

### **Conditions where the consent of another person is needed.**

Based on the information submitted in the application, we do not consider that it is necessary to impose conditions where the consent of another person is needed.

### **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.

### **Operator Competence**

#### **Environment management system**

Appendix 3 of the application (Summary of Environment Management System) gives a summary of the EMS that will be in place before operations commence. It will cover normal operations, maintenance schedule and records, incidents and abnormal operations, complaints system, accidents, training, and site security.

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.

#### **Technical competence**

Technical competency is not required for activities permitted.

#### **Relevant convictions**

Our Enforcement Database has been checked to ensure that all relevant convictions have been declared. No relevant convictions were found.

The operator satisfies the criteria in RGN 5 on Operator Competence.

#### **Financial provision**

There is no known reason to consider that the operator will not be financially able 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 (PPS). 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**

No responses were received from statutory and non-statutory bodies.

#### **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 (EPR).

#### **a) Representations from Local MP, Assembly Member (AM), Councillors and Parish / Town / Community Councils**

No responses were received from representations from local MP, AM, Councillors and Parish/Town/Community Councils

#### **b) Representations from Community and Other Organisations**

No responses were received from Community and Other Organisations.

#### **c) Representations from Individual Members of the Public**

No responses were received from Individual Members of the Public.

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