

Natural Resources Wales permitting decisions

Cloddiau Poultry Unit Decision Document

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New bespoke permit

The application number is: PAN-001430 (Permit Issue Number **AB1234CD**)

The applicant/operator is: Mr Daniel Jerman

The Installation is located at: Cloddiau Poultry Unit, Cloddiau, Kerry,
Newtown, Powys, SY16 4DY

We have decided to grant the permit for the Cloddiau Poultry Unit at Cloddiau, operated by Mr Danial Jerman.

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 (England & Wales) Regulations 2016 (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 two poultry houses with a total of 56,800 places designed for rearing chickens for free range egg production across two poultry houses sited approximately 650m apart. The poultry house designated *House 1* is an existing poultry house and is located at 315365,290857. *House 1* will house a maximum of 24,000 birds. An additional poultry house, *House 2*, has been proposed to be sited at

315150,291445. A maximum of 32,800 birds will be housed at this location. Both houses will have individual boundaries, however will be operated as a single unit with staff working on both units as well as feed deliveries split across the two houses

Birds will be housed at point of lay and depopulated at the end of the birds egg laying cycle, this will be done on an all-out all-in basis. There will be approximately one cycle per annum. Birds are allowed to range by means of pop holes at the base of one side of each house.

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 29 March 2017, and the duly making assessment was carried out on 20 April 2017. The initial application could not be duly made as there was insufficient evidence to show that the two separate houses would constitute a single intensive farming installation. The additional evidence was provided by the applicant on the 23 April 2017 to satisfy this. We then notified the applicant that the application was duly made on the 24 April 2017. 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 statutory deadline for determining the application was 19 September 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 our Public Participation Statement (PPS) and our Working Together Agreements (WTAs).

A copy of the Application and all other documents relevant to our determination 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”:

- **Health Protection Agency**
- **Food Standards Agency**

- **Public Health Wales**
- **Powys Council – Environmental Health**
- **Powys Council - Planners**

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 10 May 2017 and ended on 08 June 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:

Activity listed in Schedule 1 of the EP Regulations	Description of specified activity	Limits of specified activity
Section 6.9 A(1)(a) Rearing of poultry or pigs intensively in an installation with more than 40,000 places for poultry.	The rearing of poultry in a free-range egg laying facility.	A maximum of 24,000 birds may be housed in poultry House 1 and a maximum of 32,800 birds may be housed in the poultry House 2. From receipt of birds, raw materials and fuels onto the site, to removal of birds and associated wastes from site.
Directly Associated Activities		
Dirty water tanks	Storage of dirty water from washing of poultry houses.	Temporary storage of wash down water at both poultry House 1 and poultry House 2.
Fuel Tanks	Storage of fuel in bunded tanks.	A maximum of 5,500 litres of fuel to be kept in the bunded fuel tanks at House 1. A maximum of 5,000 litres of fuel to be kept in the bunded fuel tank at House 2.
Standby Generator at each poultry house	Provision of contingency electrical power in the event of a loss of external supply.	From receipt of raw materials and fuels, to release of combustion products to air and associated wastes removed from site.

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 installation is situated on a level area to the north of Kerry (Newtown), draining to the south. The poultry house are between 240 and 250 metres above sea level. The surrounding land is used primarily for livestock farming, with some areas of semi-natural woodlands and grassland. The existing poultry house, *House 1*, is located approximately 200m to the north-northeast of the established farm at Cloddiau. The proposed new poultry house, *House 2*, will be sited a further 650m north-northwest of *House 1*.

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.

The plans submitted as part of the application were updated and resubmitted by the applicant on 05 September 2017 and 09 September 2017. These were done to correct errors in the site layout and site maps.

Site condition report

The operator has provided a description of the condition of the site. The report covers general site description, immediate location, topography and drainage; geology and hydrogeology; hydrology; pollution history (including details of any historical contamination).

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 features of the wildlife sites.

The following sites have been considered:

Ancient Woodlands (within 2km)

57 areas of ancient woodland within 2km of the site

SSSI (within 5km)

Montgomery Canal SSSI

Hollybush Pastures SSSI

SAC, SPA and Ramsar (within 10km)

Montgomery Canal SAC

OGN Form 1 and CRoW Appendix 4 were completed and forwarded to our internal Natural Resource Management (NRM) team for consultation and notification. No concerns were raised with regards to ammonia emissions at any of the relevant wildlife sites following this internal Habitats consultation. Our conclusion is that the proposal is not likely to have a significant effect on any of these sites.

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 both of the proposed chicken houses at Cloddiau poultry Unit. The modelling predicts that of the sites considered as part of the installation's ammonia emission impact assessment, it was identified that an unnamed restored Ancient Woodland sited 200m east-northeast of *House 2* would be expected to receive the highest airborne ammonia concentration and highest nitrogen deposition rate.

No records were available to confirm the presence of any sensitive lichens or bryophytes within this Ancient Woodland therefore the emissions were assessed against an ammonia Critical Level of $3.0\mu\text{g}/\text{m}^3$ and a nitrogen deposition Critical Load of $20\text{kg}/\text{ha}/\text{yr}$. The emissions modelling results show that this Ancient Woodland can expect exposure rates of $1.7\mu\text{g}/\text{m}^3$ (57% of Critical Level) and $13.4\text{kg}/\text{ha}/\text{yr}$ (67%). Guidance applicable for this assessment does not advise in combination assessments for Ancient Woodlands.

At all other sites considered, the modelling predicts that the process contribution to the annual ammonia concentration and the nitrogen deposition rate would be below NRW's lower threshold percentage of Critical Level or Critical Load for the site (based on threshold limits up to 01 April 2017 - 4% for a SAC/SPA/Ramsar, 20% for a SSSI and 100% for non-statutory sites).

We made this decision in accordance with our document "A guide for NPS permitting officers undertaking pre application screening of ammonia emissions from intensive pig & poultry farms".

Emission limits

We have decided that it is not relevant to set emission limits 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.

It is not expected that the installation will discharge any material to local bodies of ground or surface water.

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 Water Resources (Control of Pollution) Silage, Slurry and Agricultural Fuel Oil (Wales) Regulations 2010 (SSAFO) and meet the requirements outlined in SGN EPR6.09. The tanks will be regularly inspected.

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.

As part of their application the operator submitted a dispersion report, modelling the impact of odour from the proposed poultry houses at Cloddiau Poultry Unit. H4 Odour Management guidance explains that the odour benchmarks are based on the 98th 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 odour report, submitted as part of the application, predicted 98th percentile odour concentrations at nearby receptors would not exceed NRW's benchmark for moderately offensive odours, a maximum annual 98th percentile hourly mean concentration of 3.0 ouE/m³. This also includes Cloddiau Farm and Cefn-caled farmhouse, which are owned by the operator. We are satisfied that the risk of odour pollution at nearby 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 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 400m of the installation. The OMP describes 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 and includes twice daily inspections of the 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. 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 as shown on the site drainage plan.

With regards to dust:

- Ventilation systems are operated to achieve optimum humidity levels for the stage of production in all weather and seasonal conditions.
- Feed will be stored in purpose built covered feed silos located next to the poultry 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.

- 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.

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 EPE 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

The application document, 'Environmental Management System Summary', gives a summary of the EMS system 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.

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ANNEX 1: Consultation Responses

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

Response Received from Powys Teaching Health Board	
Brief summary of issues raised:	Summary of action taken / how this has been covered
There is limited potential risk to public health from proposed activities.	No action required

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

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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