

**Natural Resources Wales permitting decisions**

# Wallace Bebb Farms Ltd (Hendreboeth) Decision Document

## Contents

New bespoke permit/Variation .....	4
The application number/the permit/variation number is: .....	4
The applicant /operator is: .....	4
The Installation is located at: .....	4
Purpose of this document .....	5
Key issues of the decision .....	6
Receipt of application .....	6
Confidential information .....	6
Identifying confidential information .....	6
Consultation .....	6
Operator .....	7
The facility .....	7
European Directives .....	8
The site .....	8
Site condition report .....	8
Biodiversity, Heritage, Landscape and Nature Conservation .....	8
Environmental Risk Assessment .....	9
Air .....	9
Water .....	11
Soil .....	11
Odour .....	12
Noise .....	14
Fugitive emissions .....	15
Monitoring .....	15
Reporting .....	16
Operating techniques .....	16
The permit conditions .....	17
Use of conditions other than those from the template .....	17
Raw materials .....	17
Waste types .....	17
Pre-operational conditions .....	17
Improvement conditions .....	17
Conditions where the consent of another person is needed. ....	18
Incorporating the application .....	18
Operator Competence .....	18

Environment management system.....	18
Technical competence .....	18
Relevant convictions .....	18
Financial provision .....	18
ANNEX 1: Consultation Reponses.....	20
A) Advertising and Consultation on the Application .....	20
1) Consultation Responses from Statutory and Non-Statutory Bodies.....	20
2) Consultation Responses from Members of the Public and Community Organisations.....	20
a) Representations from Local MP, Assembly Member (AM), Councillors and Parish / Town / Community Councils .....	20
b) Representations from Community and Other Organisations.....	20
c) Representations from Individual Members of the Public .....	21

## **New bespoke permit**

**The application number is: PAN-001312**

**The applicant/operator is: Wallace Bebb Farms Ltd**

**The Installation is located at: Hendreboeth, Llansantffraid, Welshpool, Powys, SY22 6TJ**

We have decided to grant the permit for Hendreboeth operated by Wallace Bebb Farms Ltd.

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 two poultry houses with 110,000 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 two poultry houses will be built of steel, with a steel roof and sited on a concrete base, which will overlie a visqueen membrane. All walls and roofs

will fitted with the insulation. All ventilation is be provided by high velocity ridge fans and side inlets. The site has been used for general agriculture particularly grazing stock.

The operator had initially applied to have three poultry houses with places for 150,000 birds but requested to change the application to have only two houses and only 110,000 birds following concerns raised by NRW regarding odour (see section on Odour).

### **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 20<sup>th</sup> February 2017, making the initial duly making assessment deadline 13<sup>th</sup> March 2017. However, the application was put on hold between the 7<sup>th</sup> and 17<sup>th</sup> of March on request of the operator, during which time the operator submitted a revised version of all application documents to reflect a change in the location of the proposed poultry houses. The duly making assessment deadline was therefore extended by 10 days to 23<sup>rd</sup> March 2017. The duly making assessment was carried out on 17<sup>th</sup> March 2017, and it was determined that the revised application could not be duly made at that point because the incorrect fee had been paid for the application. The additional fee required was paid on 22<sup>nd</sup> March 2017, and the revised application was duly made on this date. 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 22<sup>nd</sup> July 2017. However, as a result of additional time requested and taken by the operator to provide information relating to odour, the statutory deadline for determining the application was extended from 22<sup>nd</sup> July 2017 to 31<sup>st</sup> August 2017 (see section on Odour). Unless otherwise stated, all references to “the application” in this decision document refer to the revised version of the application submitted on 16<sup>th</sup> March 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 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 **28<sup>th</sup> March 2017** and ended on **27<sup>th</sup> April 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 poultry or pigs intensively in an installation with more than – (i) 40,000 places for poultry

Biomass Boilers – Operation of 3 biomass boilers with a combined thermal rated input of 726KW 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**

This is a new site on a former grazing field, between 90m and 95m above mean sea level. It is 400m south of a meander of the River Vyrnwy. The River Vyrnwy in this immediate area meanders generally in a southwest to northeast direction. The site is surrounded by hills to the west, south and east.

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 operator on 10<sup>th</sup> July 2017. This was to reflect the removal of one broiler house from the application (and consequently the reduction in proposed number of birds from 150,000 to 110,000) to satisfy the requirements of the odour assessment – see section on Odour.

### **Site condition report**

The operator has provided a description of the condition of the site. The report covers general site description, basic NEC land classification, immediate location, surface waters, DeFRA classifications, hydrology and geology classifications, and soilscares.

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:

24 areas of ancient woodland within 2km of the site

SSSIs (within 5Km)

Gweunydd Ty-Brith SSSI

Llanymynech and Llynclys Hills SSSI

Byngwyn Hall Stables and Coach House SSSI

Montgomery Canal SSSI

SACs and Ramsars (within 10Km)

Montgomery Canal SAC

Tanat and Vyrnwy Bat Sites SAC

Granllyn SAC

Midland Meres and Mosses Phase 2 Ramsar

OGN Form 1 and CRoW Appendix 4 were completed and forwarded to our internal Natural Resource Management (NRM) team for consultation. 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 the proposed broiler chicken rearing houses at Hendreboeth. The preliminary modelling predicts that the process contribution to ammonia concentrations and nitrogen deposition rates at Trewylan Wood Ancient Woodland would potentially exceed NRW's upper threshold of 100% for non-statutory sites of the precautionary Critical Level of 1.0 µg/m<sup>3</sup> or the Critical Load of 10.0 kg/ha. However, the operator goes on to carry out detailed modelling which predicts that the process contribution to ammonia concentrations and nitrogen deposition rates would not exceed NRW's lower threshold percentage of the precautionary Critical Level or Critical Load (100% for non-statutory sites) at Trewylan Wood Ancient Woodland. At all other sites considered, the preliminary 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 1<sup>st</sup> April 2017 - 4% for a SAC/SPA/Ramsar, 20% for a SSSI and 100% for non-statutory sites).

The removal of one broiler house from the application (and consequently the reduction in proposed number of birds from 150,000 to 110,000) to satisfy the requirements of the odour assessment (see section on Odour), will lower the ammonia emissions from the proposed facility.

In Appendix 7 of the application (Technical Standards), the operator confirms that hot water will be provided to the facility by three 200 Kilowatt (242 Kilowatt input) clean biomass boilers. 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 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 1MWth where 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) and there are:

- 1) No Special Areas of Conservation, Special Protection Areas, Ramsar sites or Sites of Special Scientific Interest within 500 metres of the emission point(s)
- 2) No National Nature Reserves, Local Nature Reserves, Ancient Woodlands or Local Wildlife Sites within 100 metres of the emission points(s)

The removal of one broiler house from the application (and consequently the reduction in proposed number of birds from 150,000 to 110,000) to satisfy the requirements of the odour assessment (see section on Odour), has not affected the number or size of proposed biomass boilers on site.

#### 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.

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 Vyrnwy.

#### 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 Natural Resources Wales Air Quality and Risk Assessment Specialists 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 Hendreboeth. 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 two nearby receptors, namely the cottages at Hendreboeth and the residence at Tyddyn, which the applicant states are owned by the operator; the predicted 98th percentile odour concentrations would exceed NRW's benchmark for moderately offensive odours, a maximum annual 98th percentile hourly mean concentration of 3.0 ouE/m<sup>3</sup>. At all other receptors considered, the modelling predicted that 98th percentile odour concentrations would be below NRW's benchmark value for moderately offensive odours.

On 25<sup>th</sup> May 2017, NRW wrote to the applicant stating that we were minded to refuse the application based on the results of the odour assessment, which showed that the odour levels at two nearby sensitive receptors, Hendreboeth Cottages and Tyddyn, may be unacceptable if the proposed activities were to go ahead. The application would be refused unless the operator could demonstrate that the affected sensitive receptors could cease being sensitive receptors, or that the odour impact at the two affected sensitive receptors could be reduced to an acceptable level. In their response, the applicant requested a 6 week extension to the determination period of the application, from 31<sup>st</sup> May 2017, to look into the odour issues identified. On 10<sup>th</sup> July 2017, the applicant submitted to NRW a revised odour modelling report and revised versions of some supplementary documents, including Appendix 4 of the application (Efficient use of raw materials), Appendix 5 (Non-technical summary), Appendix 7 (Technical Standards), the site plans, and Part B3 of the application form. The documents have been revised to account for the removal of one poultry house from the proposed works, and the reduction in proposed number of birds from 150,000 to 110,000.

The odour report submitted on 10<sup>th</sup> July 2017 predicts that, at all discrete receptors considered, the predicted 98th percentile odour concentrations would not exceed NRW's benchmark for moderately offensive odours, a maximum annual 98th percentile hourly mean concentration of 3.0 ouE/m<sup>3</sup>. 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.

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 from 22<sup>nd</sup> July 2017 to 31<sup>st</sup> August 2017.

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:

- 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.
- 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 EPE 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 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.



## 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.

Published by:  
Natural Resources Wales  
Cambria House  
29 Newport Road  
Cardiff  
CF24 0TP

Issued 19/09/2017

Page 22 of 22

0300 065 3000 (Mon-Fri, 8am - 6pm)

[enquiries@naturalresourceswales.gov.uk](mailto:enquiries@naturalresourceswales.gov.uk)  
[www.naturalresourceswales.gov.uk](http://www.naturalresourceswales.gov.uk)

© Natural Resources Wales

All rights reserved. This document may be reproduced with prior permission of Natural Resources Wales