

Natural Resources Wales permitting decisions

Bespoke permit

We have decided to grant the permit for Black Rock Farm Poultry Unit operated by Mr Neil Elliott and Mrs Kathryn Elliott.

The permit number is EPR/CP3437WX.

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

- Key issues
- Annex 1 the decision checklist
- Annex 2 the consultation and web publicising responses

Key issues of the decision

Background

This new bespoke permit allows the operation of an intensive poultry farm for the rearing of chickens for their meat. The permitted maximum number of birds is 82,000. One day-old birds will be delivered to site and housed in two poultry houses. They will be removed from site for processing after 40 days on an all out basis. Following removal of the birds, litter will be removed from the houses and taken immediately off-site. The empty houses will be cleaned using pressure washers and disinfectant. Dirty water will be diverted to an underground dirty water tank before being removed off-site via road tanker.

Operator

During the determination of the application, the operator requested to change from holding the permit in the name of the company Elliott (Agriculture) Limited to the partnership of Mr Neil Elliott and Mrs Kathryn Elliott.

Biodiversity, heritage, landscape and nature conservation

As part of their assessment the applicant considered the impact of emissions of ammonia from the installation on habitats within relevant screening distances of poultry unit. The following European habitats sites (i.e. Special Areas of Conservation (SAC), Special Protection Areas (SPA) and Ramsar) are located within 10km of the installation:

- Midland Meres and Mosses (Ramsar)
- River Dee and Bala Lake (SAC) (Wales)
- River Dee and Bala Lake (SAC) (England)
- Johnstown Newt Sites (SAC)

The following Sites of Special Scientific Interest (SSSI) are located within 5km of the installation:

- Afon Dyfrdwy / River Dee
- Sontley Marsh

The following non-statutory local wildlife and conservation sites are located within 2km of the installation:

- Marchwiell Marsh (Wildlife Site)
- Wrexham Industrial Site (Wildlife Site)
- Peter's Dingle (Wildlife Site)
- Hopyard Wood (Wildlife Site)
- 24 x Ancient and Semi Natural Woodland

Areas within the immediate vicinity of the site are known to support populations of great crested newts. The great crested newt is a European protected species.

Emissions of Ammonia

The applicant submitted an assessment of the impact of emissions of ammonia from the installation with the application. This assessment was completed using the Environment Agency's ammonia screening tool, which gives a conservative estimate of the rate of ammonia production from proposed installations based on type and design and can help determine whether detailed modelling of ammonia emissions is required.

The applicant's original proposal was to stock 85,000 birds at the installation; however, during the determination period, the applicant revised the number of bird places to 82,000. The ammonia assessment therefore represents a conservative assessment of the impact of ammonia from the installation as it was based on a higher number of permitted bird places.

With regard to type, design and set-up of the installation, the assessment incorporated the following elements:

- Birds stocked would be broilers;
- Poultry houses would have fully littered floors;
- Non-leaking drinkers will be used;
- Poultry houses would be roof fan ventilated with vents greater than 5.5m high and with a fan efflux velocity greater than 7m/s;
- Poultry houses would have gable-end fan ventilation which would be used only in hot weather periods in the summer months; and
- There would be no storage of manure on site.

Based on these factors, the tool gave an ammonia emission factor of 0.034kg NH₃/animal place/year.

European Sites: SACs, SPAs, Ramsars

The process contributions (PC) (in µg/m³) of ammonia at each European site given by the screening tool were:

- Midland Meres and Mosses Phase 2 (Ramsar) – 0.005
- River Dee and Bala Lake (SAC) (Wales) – 0.038
- River Dee and Bala Lake (SAC) (England) – 0.006
- Johnstown Newt Sites (SAC) – 0.006

For intensive farms, the critical level for ammonia is 1 µg/m³ for sites with sensitive lichens and bryophytes, and 3 µg/m³ for higher plants and general vegetation. The ammonia screening assessment uses the more stringent 1 µg/m³ critical level for all sites which therefore represents a conservative approach. The process contributions for each site as percentages of the critical level are as follows:

- Midland Meres and Mosses Phase 2 (Ramsar) – 0.5%
- River Dee and Bala Lake (SAC) (Wales) – 3.8%
- River Dee and Bala Lake (SAC) (England) – 0.6%
- Johnstown Newt Sites (SAC) – 0.6%

As the PCs for all sites as percentages of the critical level are below the insignificance criteria of 4% then we conclude that the proposed installation is not likely to have a significant effect on these habitats.

As the ammonia critical level assessment uses the more sensitive level, there was no requirement to assess the impact of the site on critical loads.

National Sites: SSSI

The process contributions (PC) (in $\mu\text{g}/\text{m}^3$) of ammonia at each SSSI given by the screening tool were:

- Afon Dyfrdwy / River Dee – 0.038
- Sontley Marsh – 0.014

Taking the critical level of $1 \mu\text{g}/\text{m}^3$, the process contributions for each site as percentages of the critical level are as follows:

- Afon Dyfrdwy / River Dee – 3.8%
- Sontley Marsh – 1.4%

As the PCs for all sites as percentages of the critical level are below the insignificance criteria of 20% then we conclude that the proposed installation is not likely to damage the features of these habitats.

Non-Statutory and Conservation Sites

The process contributions (PC) (in $\mu\text{g}/\text{m}^3$) of ammonia at each non-statutory and conservation sites given by the screening tool were:

- Marchwiell Marsh (Wildlife Site) – 0.061
- Wrexham Industrial Site (Wildlife Site) – 0.031
- Peter's Dingle (Wildlife Site) – 0.055
- Hopyard Wood (Wildlife Site) – 0.035
- 24 x Ancient and Semi Natural Woodland – 0.077

Taking the critical level of $1 \mu\text{g}/\text{m}^3$, the process contributions for each site as percentages of the critical level are as follows:

- Marchwiell Marsh (Wildlife Site) – 6.1%
- Wrexham Industrial Site (Wildlife Site) – 3.1%
- Peter's Dingle (Wildlife Site) – 5.5%
- Hopyard Wood (Wildlife Site) – 3.5%
- 24 x Ancient and Semi Natural Woodland – 7.7%

As the PCs for all sites as percentages of the critical level are all significantly below the insignificance criteria of 50% then we conclude that the proposed installation is not likely to have a significant effect on these habitats.

Great Crested Newts

The installation is located approximately 1.8km south west of Wrexham Industrial Estate. The Estate and its environs are known to support an exceptional great crested newt (GCN) population, although the population is considered to be in decline. Its conservation status is therefore not favourable.

GCNs have been recorded in three of the four ponds located adjacent to the proposed site. This species is protected under the Wildlife and Countryside act 1981 (as amended) and the Conservation of Habitats and Species Regulations

2010 (as amended). Legislation protects both individual newts and their breeding sites and resting places.

As part of the determination of the permit application, the Permitting Service consulted with the conservation body in Wales. The conservation body in Wales indicated that without mitigation measures, the proposal was likely to result in:

- The killing or injury to great crested newts;
- Damage to and destruction of their breeding sites and resting places; and
- The deterioration of the cluster of ponds as a functional amphibian breeding site.

The body therefore concluded that, without mitigation measures, the proposal was likely to effect the maintenance of the favourable conservation status of the Great Crested Newt in this location.

The conservation body in Wales recommended to the Permitting Service that the following information be submitted in order to demonstrate that the proposal would not affect the favourable conservation status of the GCN:

- Avoidance and mitigation measures;
- Compensatory proposals;
- Biosecurity; and
- Post project management and surveillance.

The Permitting Service therefore asked the applicant to submit a scheme to safeguard the great crested newt that incorporated these elements. The applicant submitted a method statement that included the following measures:

- Creation of an amphibian exclusion area around the development site during construction;
- Provision of protection measures during construction;
- Creation of GCN compensation habitat to the east of the exclusion area;
- Translocation of GCN found within the exclusion area to the compensation habitat;
- Provision of a biosecurity risk assessment;
- Long-term management and maintenance of GCN habitats, including the newly-created compensation habitat; and
- Ongoing monitoring and surveillance of the GCN population.

We have incorporated these requirements into the permit through the inclusion of pre-operational conditions and ongoing monitoring requirements - including annual surveillance monitoring of the GCN population – which the operator will need to submit to Natural Resources Wales for approval on an annual basis.

Environmental risk

Odour

Following a review of the Odour Risk Assessment supplied by the applicant and consideration of the proximity of sensitive receptors to the site, an assessment of the risks of odour from operations - in the form of an odour modelling assessment - was requested.

Following the completion of the modelling, the applicant indicated that they wished to revise the permitted number of bird places applied for from 85,000 to 82,000. The odour modelling assessment was based on the lower figure of 82,000 bird places.

The modelling indicated that odour concentrations at sensitive receptors are predicted to be within the odour benchmark level of 3.0 OU_E/m³ for moderately offensive odours as described in the Natural Resources Wales' guidance document 'How to comply with your permit – H4 Odour Management.' Benchmarks are based on the 98th percentile of hourly average concentrations of odour modelled over a year. The highest predicted odour concentration (based on the 98th percentile of hourly average concentrations) at a sensitive receptor not owned by the farm itself is 2.54 OU_E/m³. We therefore consider that predicted odour concentrations associated with the site will be within acceptable levels at sensitive receptors.

Pre-operational conditions

We have included a pre-operational condition that requires the operator to submit to NRW for approval prior to the commencement of activities, a report that demonstrates that the following measures have been implemented:

- Creation of an amphibian exclusion area around the development site during construction;
- Provision of protection measures during construction;
- Creation of GCN compensation habitat to the east of the exclusion area; and
- Translocation of GCN found within the exclusion area to the compensation habitat.

We have also included a pre-operational condition that requires the operator to submit to NRW for approval prior to the commencement of activities, a copy of the legal interest with an appropriate Third Party to ensure the delivery and long term sustainability of the proposed mitigation and compensation measures identified within ecology reports submitted as part of the application.

Monitoring

We have specified reporting in the permit with regard to the requirement for ongoing monitoring and surveillance of the great crested newt population and its habitats.

Reporting

We have specified reporting on an annual basis with regard to the ongoing monitoring and surveillance of the great crested newt population and its habitats.

Relevant convictions

As mentioned above, during the determination of the application, the operator requested to change from holding the permit in the name of the company Elliott (Agriculture) Limited to the partnership of Mr Neil Elliott and Mrs Kathryn Elliott.

Convictions checks were completed on Mr Neil Elliott and Mrs Kathryn Elliott which indicated that neither hold relevant convictions.

Annex 1: decision checklist

This document should be read in conjunction with the application and supporting information and permit.

Aspect considered	Justification / Detail
Consultation	
Scope of consultation	The consultation requirements were identified and implemented. The decision was taken in accordance with RGN 6 High Profile Sites, our Public Participation Statement and our Working Together Agreements.
Responses to consultation and web publicising	The web publicising and consultation responses (Annex 2) were taken into account in the decision. The decision was taken in accordance with our guidance.
Operator	
Control of the facility	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. During the determination, the operator requested to hold the permit as a partnership instead of in the name of Elliott (Agriculture) Limited. See Key Issues section.
European Directives	
Applicable directives	All applicable European directives have been considered in the determination of the application.
The site	
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. We consider this description is satisfactory. The decision was taken in accordance with our guidance on site condition reports – guidance and templates (H5).

Aspect considered	Justification / Detail
Biodiversity, Heritage, Landscape and Nature Conservation	<p>The application is within the relevant distance criteria of sites or nature conservation and protected species and habitats.</p> <p>A full assessment of the application and its potential to affect the species has been carried out as part of the permitting process. We consider that the application will affect the species. Operational controls have been placed on the permit to mitigate against these effects.</p> <p>Formal consultation has been carried out with the Conservation Body in Wales. The consultation responses (Annex 2) were taken into account in the permitting decision.</p> <p>See Key Issues section.</p>
Environmental Risk Assessment and operating techniques	
Environmental risk	<p>We have reviewed the operator's assessment of the environmental risk from the facility.</p> <p>The operator's risk assessment is satisfactory.</p> <p>The assessment shows that, applying the conservative criteria in our guidance on Environmental Risk Assessment all emissions may be categorised as environmentally insignificant.</p> <p>See Key Issues section.</p>
Operating techniques	<p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes.</p> <p>The operator has proposed operating techniques for broiler production, feed storage, fuel and chemical storage and dirty water storage in accordance with EPR Sector Guidance Note 6.09 How to comply with your environmental permit for intensive farming.</p>
The permit conditions	
Raw materials	<p>We have specified limits and controls on the use of raw materials and fuels.</p> <p>Diesel / gas oil will be used during times when the primary heating system (ground / air source heating) for the hot water heaters in the poultry houses is unavailable. We have specified that the</p>

Aspect considered	Justification / Detail
	sulphur content of the diesel / gas oil must be less than 0.1% w/w (i.e. no more than 1g sulphur in 1kg of diesel / gas oil).
Pre-operational conditions	Based on the information in the application, we consider that we need to impose pre-operational conditions. See Key Issues section.
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.
Emission limits	We have decided that no emission limits should be set for the parameters listed in the permit.
Monitoring	We have decided that monitoring should be carried out for the parameters listed in the permit, using the methods detailed and to the frequencies specified. See Key Issues section. Permit condition 3.1.2 has been included as a result of the Industrial Emissions Directive (IED). However, we only enforce this monitoring requirement where the operator's site condition report has indicated that there is a risk to groundwater or soil from the activities taking place at the installation.
Reporting	We have specified reporting in the permit. See Key Issues section.
Operator Competence	
Environment management system	There is no known reason to consider that the operator will not have the management systems to enable it to comply with the permit conditions. The decision was taken in accordance with RGN 5 on Operator Competence.
Relevant convictions	The National Enforcement Database has been checked to ensure that all relevant convictions have been declared.

Aspect considered	Justification / Detail
	No relevant convictions were found. See Key Issues section.

Annex 2: Consultation, web publicising and newspaper advertising responses

Summary of responses to consultation, web publication and newspaper advertising and the way in which we have taken these into account in the determination process. (Newspaper advertising is only carried out for certain application types, in line with our guidance.)

Response received from
Public Health Wales (PHW)
Brief summary of issues raised
<p>PHW recommended that:</p> <ol style="list-style-type: none"> 1. Emissions of ammonia and odour must be considered and regulated appropriately 2. Manure stores should be designed, constructed and managed to prevent accumulations of flies and disease transmission. The operator should prepare and maintain a manure management plan. 3. Dust and bioaerosol emissions from the installation should be controlled using Best Available Techniques (BAT). 4. Noise from the installation must not cause nuisance at nearby sensitive receptors.
Summary of actions taken or show how this has been covered
<p>The points below indicate how we have addressed PHW's points:</p> <ol style="list-style-type: none"> 1. We have requested modelling of odours from the installation which has shown that odour levels are likely to be below the Horizontal Guidance H4 odour threshold of 3 OUE/m³ (98th percentile hourly mean concentration). We have also included conditions stipulating that the operator must control odours by implementing their odour management plan and that odours must not be at levels likely to cause offence outside the site. We have assessed emissions of ammonia and found them to be at levels that are unlikely to have a significant effect on European habitat sites and are unlikely to damage the features of SSSIs. 2. Litter from the poultry houses will be removed from the houses following the end of each crop cycle and removed immediately from site. No manure or litter will be stored on site. 3. We have included a condition in the permit requiring the operator to control emissions of substances not controlled by emission limits (including dust and bioaerosols) so that they do not cause pollution. 4. The operator has submitted a noise management plan which we consider is satisfactory. We have included conditions in the permit stipulating that the operator must control noise by implementing their noise management plan.

Response received from
Betsi Cadwaldr University Health Board (BCUHB)
Brief summary of issues raised
BCUHB recommended that: <ol style="list-style-type: none"> 1. Emissions of ammonia and odour must be considered and regulated appropriately 2. Manure stores should be designed, constructed and managed to prevent accumulations of flies and disease transmission. The operator should prepare and maintain a manure management plan. 3. Dust and bioaerosol emissions from the installation should be controlled using Best Available Techniques (BAT). 4. Noise from the installation must not cause nuisance at nearby sensitive receptors.
Summary of actions taken or show how this has been covered
The points below indicate how we have addressed BCUHB's points: <ol style="list-style-type: none"> 1. We have requested modelling of odours from the installation which has shown that odour levels are likely to be below the Horizontal Guidance H4 odour threshold of 3 OUE/m³ (98th percentile hourly mean concentration). We have also included conditions stipulating that the operator must control odours by implementing their odour management plan and that odours must not be at levels likely to cause offence outside the site. We have assessed emissions of ammonia and found them to be at levels that are unlikely to have a significant effect on European habitat sites and are unlikely to damage the features of SSSIs. 2. Litter from the poultry houses will be removed from the houses following the end of each crop cycle and removed immediately from site. No manure or litter will be stored on site. 3. We have included a condition in the permit requiring the operator to control emissions of substances not controlled by emission limits (including dust and bioaerosols) so that they do not cause pollution. 4. The operator has submitted a noise management plan which we consider is satisfactory. We have included conditions in the permit stipulating that the operator must control noise by implementing their noise management plan.

Response received from
Wrexham County Borough Council (WCBC)
Brief summary of issues raised
WCBC stated that it has no record of any noise or odour issues associated with this site.
Summary of actions taken or show how this has been covered
Not applicable.