

Permitting decisions

Bespoke permit

We have decided to grant the permit for Craven North and South Poultry Unit operated by A. R. Craven Farms Limited.

The permit number is EPR/MP3436DR.

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 provides a record of the decision making process. It:

- highlights [key issues](#) in the determination
- summarises the decision making process in the [decision checklist](#) to show how all relevant factors have been taken into account
- shows how we have considered the [consultation responses](#).

Unless the decision document specifies otherwise we have accepted the applicant's proposals.

Read the permitting decisions in conjunction with the environmental permit. The introductory note summarises what the permit covers.

Key issues of the decision

New Intensive Rearing of Poultry or Pigs BAT Conclusions document

The new Best Available Techniques (BAT) Reference Document (BREF) for the Intensive Rearing of poultry or pigs (IRPP) was published on the 21st February 2017. There is now a separate BAT Conclusions document which will set out the standards that permitted farms will have to meet.

The BAT Conclusions document is as per the following link

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32017D0302&from=EN>

Now the BAT Conclusions are published all new installation farming permits issued after the 21st February 2017 must be compliant in full from the first day of operation.

There are some new requirements for permit holders. The conclusions include BAT Associated Emission Levels for ammonia emissions which will apply to the majority of permits, as well as BAT associated levels for nitrogen and phosphorous excretion.

For some types of rearing practices stricter standards will apply to farms and housing permitted after the new BAT Conclusions are published.

New BAT conclusions review

There are 33 BAT conclusion measures in total within the BAT conclusion document dated 21st February 2017.

We have sent out a schedule 5 request for information requiring the Applicant to confirm that the new installation complies in full with all the BAT conclusion measures.

The Applicant has confirmed their compliance with all BAT conditions for the new installation in their documents 'Odour Management Plan September 17', 'Dust and Bioaerosol Management Plan September 17' and 'Calculating N and P Excretions from Free Range Layer Hens October 17'.

The following is a more specific review of the measures the Applicant has applied to ensure compliance with the above key BAT measures.

BAT measure	Applicant compliance measure
BAT 3 - Nutritional management Nitrogen excretion	BAT AEL = 0.8 kg N/animal place/year The operator has confirmed they can meet the AEL. Compliance will be assessed using a mass balance of nitrogen based on the feed intake, dietary content of crude protein, and animal performance or Estimation by using manure analysis for total nitrogen content.
BAT 4 Nutritional management Phosphorous excretion	BAT AEL = 0.45 kg P ₂ O ₅ animal place/year The operator has confirmed they can meet the AEL. Compliance will be assessed using a mass balance of phosphorus based on the feed intake, dietary content of crude protein, total phosphorus and animal performance or Estimation by using manure analysis for total phosphorus content.
BAT 24 Monitoring of emissions and process parameters Total nitrogen and phosphorous excretion	Table S3.3 Process monitoring requires the operator to undertake relevant monitoring that complies with these BAT conclusions
BAT 25 Monitoring of	

BAT measure	Applicant compliance measure
emissions and process parameters Ammonia emissions	
BAT 26 Monitoring of emissions and process parameters Odour emissions	Daily olfactory monitoring by trained site staff.
BAT 27 Monitoring of emissions and process parameters Dust emissions	Table S3.3 Process monitoring requires the operator to undertake relevant monitoring that complies with these BAT conclusions.
BAT 31 Ammonia emissions from poultry houses Laying hens	BAT AEL = 0.13 kg NH ₃ /animal place/year The application has been screened using an ammonia emission factor of 0.09 kg NH ₃ /animal place/year. As this figure is lower than the BAT AEL we are confident that the operator can meet the AEL.

Industrial Emissions Directive (IED)

The Environmental Permitting (England and Wales) (Amendment) Regulations 2013 were made on the 20 February and came into force on 27 February 2013. These Regulations transpose the requirements of the IED.

This permit implements the requirements of the European Union Directive on Industrial Emissions.

Groundwater and soil monitoring

As a result of the requirements of the Industrial Emissions Directive, all permits are now required to contain a condition relating to protection of soil, groundwater and groundwater monitoring. However, the Environment Agency's H5 Guidance states **that it is only necessary for the operator to take samples** of soil or groundwater and measure levels of contamination where there is evidence that there is, or could be existing contamination and:

- The environmental risk assessment has identified that the same contaminants are a particular hazard; or
- The environmental risk assessment has identified that the same contaminants are a hazard and the risk assessment has identified a possible pathway to land or groundwater.

H5 Guidance further states that it is **not essential for the Operator** to take samples of soil or groundwater and measure levels of contamination where:

- The environmental risk assessment identifies no hazards to land or groundwater; or
- Where the environmental risk assessment identifies only limited hazards to land and groundwater and there is no reason to believe that there could be historic contamination by those substances that present the hazard; or
- Where the environmental risk assessment identifies hazards to land and groundwater but there is evidence that there is no historic contamination by those substances that pose the hazard.

The site condition report (SCR) for Craven North and South Poultry Unit (dated June 2017) demonstrates that there are no hazards or likely pathway to land or groundwater and no historic contamination on site that may present a hazard from the same contaminants. **Therefore, on the basis of the risk assessment presented in the SCR, we accept that they have not provided base line reference data for the soil and groundwater at the site at this stage.**

Odour

Intensive farming is by its nature a potentially odorous activity. This is recognised in our 'How to Comply with your Environmental Permit for Intensive Farming' EPR 6.09 guidance (http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/297084/geho0110brsb-e-e.pdf).

Condition 3.3 of the environmental permit reads as follows:

"Emissions from the activities shall be free from odour at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Environment Agency, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved odour management plan, to prevent or where that is not practicable to minimise the odour."

Under section 3.3 of the guidance an Odour Management Plan (OMP) is required to be approved as part of the permitting process, if as is the case here, sensitive receptors (sensitive receptors in this instance excludes properties associated with the farm) are within 400m of the Installation boundary. It is appropriate to require an OMP when such sensitive receptors have been identified within 400m of the installation to prevent, or where that is not practicable, to minimise the risk of pollution from odour emissions.

The risk assessment for the Installation provided with the Application lists key potential risks of odour pollution beyond the Installation boundary. These activities are as follows:

- Manufacture and selection of compound foods
- Feed delivery and storage
- Ventilation techniques
- Litter conditions and management
- Carcass disposal
- Management of drinking water systems
- Destocking of livestock
- Clean out (litter removal)

- Wash down and disinfection
- Dirty Water management

We have assessed the OMP and the H1 risk assessment for odour and conclude that the Applicant has followed the guidance set out in EPR 6.09 Appendix 4 'Odour management at intensive livestock installations'. We are satisfied that all sources and receptors have been identified, and that the proposed mitigation measures will minimise the risk of odour pollution / nuisance.

Noise

Intensive farming by its nature involves activities that have the potential to cause noise pollution. This is recognised in our 'How to Comply with your Environmental Permit for Intensive Farming' EPR 6.09 guidance. Under section 3.4 of this guidance a Noise Management Plan (NMP) must be approved as part of the permitting determination, if there are sensitive receptors within 400m of the Installation boundary.

Condition 3.4 of the Permit reads as follows:

Emissions from the activities shall be free from noise and vibration at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Environment Agency, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved noise and vibration management plan, to prevent or where that is not practicable to minimise the noise and vibration.

There are sensitive receptors within 400 metres of the Installation boundary as stated in section 4.4.2 above. The Operator has provided a noise management plan (NMP) as part of the Application supporting documentation, and further details are provided in section 4.5.2 below.

The risk assessment for the Installation provided with the Application lists key potential risks of noise pollution beyond the Installation boundary. These activities are as follows:

- Vehicle accessing and manoeuvring
- Machinery working on site
- Ventilation systems and operational techniques
- Feed deliveries
- Washing/disinfection operations
- Litter removal, waste water and general waste removal
- Bird depletion
- Standby emergency generator

We have assessed the NMP and the H1 risk assessment for noise and conclude that the Applicant has followed the guidance set out in EPR 6.09 Appendix 5 'Noise management at intensive livestock installations'. We are satisfied that all sources and receptors have been identified, and that the proposed mitigation measures will minimise the risk of noise pollution / nuisance.

Ammonia

There are 2 Local Wildlife Sites (LWS) within 2 km of the installation.

Ammonia assessment - LWS

The following trigger thresholds have been applied for the assessment of these sites:

- If the process contribution (PC) is below 100% of the relevant critical level (CL_e) or critical load (CL_o) then the farm can be permitted with no further assessment.

Screening using the ammonia screening tool version 4.5 and detailed modelling (dated 03/04/2017) has determined that the PC on the LWS's for ammonia emissions, nitrogen deposition and acid deposition from the application site are under the 100% significance threshold and can be screened out as having no likely significant effect. See results below.

Table 1 - Ammonia emissions

Site	Critical level ammonia $\mu\text{g}/\text{m}^3$	Predicted PC $\mu\text{g}/\text{m}^3$	PC % of critical level
Stickney Picnic Site LWS	3*	2.805	93.5
West Fen Catchwater LWS	3*	1.45	48.33

* CLe 3 applied as no protected lichen or bryophytes species were found when checking Easimap layer

Table 2 – Nitrogen deposition

Site	Critical load kg N/ha/yr. [1]	Predicted PC kg N/ha/yr.	PC % of critical load
Stickney Picnic Site LWS	10	8.954	89.54
West Fen Catchwater LWS	10	2.021	20.21

Note [1] Critical load values taken from APIS website (www.apis.ac.uk) – 02/03/2017.

Table 3 – Acid deposition

Site	Critical load keq/ha/yr. [1]	Predicted PC keq/ha/yr.	PC % of critical load
Stickney Picnic Site LWS	1.27	1.041	81.97
West Fen Catchwater LWS	4.52	0.144	3.19

Note [1] Critical load values taken from APIS website (www.apis.ac.uk) – 02/03/2017.

No further assessment is required.

Decision checklist

Aspect considered	Decision
Receipt of application	
Confidential information	A claim for commercial or industrial confidentiality has not been made.
Identifying confidential information	We have not identified information provided as part of the application that we consider to be confidential.
Consultation	
Consultation	<p>The consultation requirements were identified in accordance with the Environmental Permitting Regulations and our public participation statement.</p> <p>The application was publicised on the GOV.UK website.</p> <p>We consulted the following organisations:</p> <p>Public Health England Director of Public Health, Lincolnshire County Council Health and Safety Executive East Lindsey District Council Development Control East Lindsey District Council Environmental Protection</p> <p>The comments and our responses are summarised in the consultation section.</p>
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 our guidance on legal operator for environmental permits.
The facility	
The regulated facility	<p>We considered the extent and nature of the facility at the site in accordance with RGN2 'Understanding the meaning of regulated facility', Appendix 2 of RGN 2 'Defining the scope of the installation', Appendix 1 of RGN 2 'Interpretation of Schedule 1', guidance on waste recovery plans and permits.</p> <p>The extent of the facility is defined in the site plan and in the permit. The activities are defined in table S1.1 of the permit.</p>
The site	
Extent of the site of the facility	The operator has provided plans which we consider are satisfactory, showing the extent of the site of the facility. The plan is included in the permit.
Site condition report	The operator has provided a description of the condition of the site, which we consider is satisfactory. The decision was taken in accordance with our guidance on site condition reports and baseline reporting under the Industrial Emissions Directive.
Biodiversity, heritage, landscape and nature	The application is within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat.

Aspect considered	Decision
conservation	<p>We have assessed the application and its potential to affect all known sites of nature conservation, landscape and heritage and/or protected species or habitats identified in the nature conservation screening report as part of the permitting process.</p> <p>We consider that the application will not affect any sites of nature conservation, landscape and heritage, and/or protected species or habitats identified.</p>
Environmental risk assessment	
Environmental impact assessment	<p>In determining the application we have considered the Environmental Statement.</p> <p>We have also considered the planning permission and the committee report approving it.</p>
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>
Operating techniques	
General operating techniques	<p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes and we consider them to represent appropriate techniques for the facility.</p> <p>The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.</p> <p>The proposed techniques for priorities for control are in line with the benchmark levels contained in the Sector Guidance Note EPR6.09 and we consider them to represent appropriate techniques for the facility. The permit conditions ensure compliance with relevant BREFs.</p>
Odour management	<p>We have reviewed the odour management plan in accordance with our guidance on odour management.</p> <p>We consider that the odour management plan is satisfactory.</p>
Noise management	<p>We have reviewed the noise management plan in accordance with our guidance on noise assessment and control.</p> <p>We consider that the noise management plan is satisfactory.</p>
Permit conditions	
Emission limits	<p>BAT Associated Emission Levels for ammonia, nitrogen and phosphorous have been added to the permit.</p> <p>See the key issues section for details.</p>
Monitoring	<p>We have decided that monitoring should be added for ammonia, nitrogen and phosphorous, using the methods detailed and to the frequencies specified in table S3.3 in the permit.</p> <p>We made these decisions in accordance with the Best Available Techniques (BAT) Reference Document (BREF) for the Intensive Rearing of poultry or pigs</p>

Aspect considered	Decision
Reporting	<p>We have specified reporting in the permit for ammonia, nitrogen and phosphorous.</p> <p>We made these decisions in accordance with the Best Available Techniques (BAT) Reference Document (BREF) for the Intensive Rearing of poultry or pigs</p>
Operator competence	
Management system	<p>There is no known reason to consider that the operator will not have the management system to enable it to comply with the permit conditions.</p> <p>The decision was taken in accordance with the guidance on operator competence and how to develop a management system for environmental permits.</p>
Relevant convictions	<p>The Case Management System has been checked to ensure that all relevant convictions have been declared.</p> <p>No relevant convictions were found. The operator satisfies the criteria in our guidance on operator competence.</p>
Financial competence	<p>There is no known reason to consider that the operator will not be financially able to comply with the permit conditions.</p>
Growth Duty	
Section 108 Deregulation Act 2015 – Growth duty	<p>We have considered our duty to have regard to the desirability of promoting economic growth set out in section 108(1) of the Deregulation Act 2015 and the guidance issued under section 110 of that Act in deciding whether to vary this permit.</p> <p>Paragraph 1.3 of the guidance says:</p> <p>“The primary role of regulators, in delivering regulation, is to achieve the regulatory outcomes for which they are responsible. For a number of regulators, these regulatory outcomes include an explicit reference to development or growth. The growth duty establishes economic growth as a factor that all specified regulators should have regard to, alongside the delivery of the protections set out in the relevant legislation.”</p> <p>We have addressed the legislative requirements and environmental standards to be set for this operation in the body of the decision document above. The guidance is clear at paragraph 1.5 that the growth duty does not legitimise non-compliance and its purpose is not to achieve or pursue economic growth at the expense of necessary protections.</p> <p>We consider the requirements and standards we have set in this permit are reasonable and necessary to avoid a risk of an unacceptable level of pollution. This also promotes growth amongst legitimate operators because the standards applied to the operator are consistent across businesses in this sector and have been set to achieve the required legislative standards.</p>

Consultation

The following summarises the responses to consultation with other organisations, our notice on GOV.UK for the public and the way in which we have considered these in the determination process.

Responses from organisations listed in the consultation section

Response received from
Public Health England
Brief summary of issues raised
<p>The main emissions of potential public health significance are emissions to air of bioaerosols, dust including particulate matter and ammonia. The applicant proposes control measures to minimise emissions and assesses residual impacts as not significant if suitably managed. In their assessment of nearby receptors, the applicant has not considered Craven Transport on Main Road and the adjacent likely associated residence which are within 100m and 200m of the north site rearing house.</p> <p>PHE is currently updating its Intensive Farming position paper as part of wider work on the health impacts on exposure to bioaerosols from intensive farming. The evidence base for human exposure to bioaerosols from intensive livestock rearing units remains limited, compared to composting facilities. The nature of the evidence that is available however indicates that there are differences between both sources (pig or poultry). The nature of the bioaerosols (fungal or bacteriological) is also important.</p> <p>A systematic review of the evidence for adverse human health effects of bioaerosol emissions from intensive farming is currently underway and should be completed by the end of 2017.</p> <p>It is assumed by PHE that the installation will comply in all respects with the requirements of the permit, including the application of Best Available Techniques (BAT). This should ensure that emissions present a low risk to human health.</p>
Summary of actions taken or show how this has been covered
We are satisfied that the Installation will operate with regard to BAT. We have assessed the Dust Management Plan and consider it meets the criteria in our guidance.

Response received from
East Lindsey District Council
Brief summary of issues raised
<p>The council are not aware of any current enforcement action being taken at either site in relation to planning or environmental health. The egg unit on North Farm was granted planning permission on 17 August 2009. Whilst the application details advised that the unit would house about 23,000 birds no condition was applied to the decision notice to limit the total number of birds. Two planning applications were granted for conjoined free range egg production building on South Farm. The first on 8 April 2016 and the second on 2 September 2016. Both units contained a condition restricting the number of birds to 28,000. This would allow a maximum number of birds of 56,000 on South Farm. An Environmental Permit might allow more birds than allowed under the planning approvals, however the council wished the EA to know what has been allowed on these two sites. The council will contact the operator direct to remind them about their conditions at South Farm.</p>
Summary of actions taken or show how this has been covered
None required.

Response received from
Health and Safety Executive
Brief summary of issues raised
No comment
Summary of actions taken or show how this has been covered
None required