

## **Environment Agency permitting decisions**

### **Bespoke permit**

We have decided to grant the permit for Manor Farm Poultry Unit operated by Thomas Pick and Angelia Pick (trading as A.H. Pick & Son)

The permit number is EPR/LP3130RN

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**

#### **Ammonia emissions**

There are 8 Local Wildlife Sites (LWS) within 2 km of the installation.

#### **Ammonia assessment - LWS**

There are 8 Local Wildlife Sites (LWS) within 2 km of Manor Farm Poultry Unit. The following trigger thresholds have been applied for the assessment of these sites.

1. If PC is <100% of relevant critical level or load, then the farm can be permitted (H1 or ammonia screening tool)
2. If further modelling shows PC <100%, then the farm can be permitted.

For the following sites this farm has been screened out at stage 1, as set out above, using results of the ammonia screening tool (version 4.4).

Screening using ammonia screening tool (version 4.4) has indicated that emissions from Manor Farm Poultry Unit will only have a potential impact on sites with a critical level of  $1 \mu\text{g}/\text{m}^3$  if they are within 356 metres of the emission source. Screening indicates that beyond this distance, the PC at conservation sites is less than  $1 \mu\text{g}/\text{m}^3$ .  $1 \mu\text{g}/\text{m}^3$  is 100% of the  $1 \mu\text{g}/\text{m}^3$  CL<sub>e</sub> and therefore beyond this distance the PC is insignificant. In this case all LWS are beyond this distance.

**Table 1 – distance from source**

<b>Site</b>	<b>Distance (m)</b>
Barkby Brook, Keyham	469
Keyham Meadow	1,648
Village Farm Leadows	538
Hungarton Stream	1,690
Hungarton Spinneys	1,864
The Miles Piece NR, Keyham	476
Field Ponds at Village Farm	486
Barkby Holt	1,709

The PC at these sites has been screened as insignificant. It is possible to conclude no significant pollution will occur at these sites and no further assessment is required.

## **AD Plant**

The proposed anaerobic digester (AD) plant to the south west of the installation will be operated under a separate standard rules permit by the operator and is therefore not considered to be a directly associated activity (DAA).

The AD plant will supply electricity and heat to the poultry unit, however this is considered the same as being supplied from the national grid and therefore again is not a DAA. The poultry unit has a contingency heat source and is connected to the National Grid.

The used litter from the poultry unit will be sent to the AD plant to be used as feedstock. However a contingency plan for the litter is in place for when the AD plant is not in operation, and the litter will be spread on land owned by the operator. Condition 2.3.5 has been included in the permit to include the requirement of a manure management plan in this case.

## 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 Manor Farm Poultry Unit received as part of application EPR/LP3130RN/A001 (ref: SA18791/AH Pick & Son/EP/Appendix 1, 11/09/15) 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.**

## Annex 1: decision checklist

This document should be read in conjunction with the Duly Making checklist, the application and supporting information and permit/ notice.

Aspect considered	Justification / Detail	Criteria met
		Yes
<b>Receipt of submission</b>		
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. The decision was taken in accordance with our guidance on commercial confidentiality.	✓
<b>Consultation</b>		
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.	✓
<b>Operator</b>		
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.	✓
<b>European Directives</b>		
Applicable directives	All applicable European directives have been considered in the determination of the application.  Refer to key issues section above for further information regarding the Industrial Emissions Directive (IED).	✓
<b>The site</b>		
Extent of the site of the	The operator has provided a plan which we consider is satisfactory, showing the extent of the site of the facility.	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
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 and baseline reporting under IED–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 sites has been carried out as part of the permitting process. We consider that the application will not affect the features of the sites.	✓
<b>Environmental Risk Assessment and operating techniques</b>		
EIA	In determining the application we have considered the Environmental Statement.	✓
Environmental risk	We have reviewed the operator's assessment of the environmental risk from the facility.  The operator's risk assessment is satisfactory.	✓
Operating techniques	We have reviewed the techniques used by the operator and compared these with the relevant guidance notes.  The operator has proposed the following key techniques: <ul style="list-style-type: none"> <li>• Housing design and management will be in accordance with the sector guidance note (SGN) EPR6.09</li> <li>• Feed selection and use will be in accordance with the sector guidance note (SGN) EPR6.09</li> <li>• Nipple drinkers are used to reduce wastage of</li> </ul>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>water and maintain dry litter</p> <ul style="list-style-type: none"> <li>All dirty water is collected in storage tanks and taken off site</li> <li>We consider that the operating techniques specified in the permit reflect the BAT for the installation</li> </ul> <p>The proposed techniques for priorities for control are in line with the benchmark levels contained in SGN EPR6.09 'How to Comply with your environmental permit for intensive farming (version 2)' Technical Guidance Note and we consider them to represent appropriate techniques for the facility.</p>	
<b>The permit conditions</b>		
Incorporating the application	<p>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.</p> <p>These descriptions are specified in the Operating Techniques table in the permit.</p>	✓
<b>Operator Competence</b>		
Environment management system	<p>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.</p>	✓
Relevant convictions	<p>The National Enforcement Database has been checked to ensure that all relevant convictions have been declared.</p> <p>No relevant convictions were found.</p>	✓
Financial provision	<p>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.</p>	✓

## Annex 2: Consultation and web publicising responses

Summary of responses to consultation and web publication and the way in which we have taken these into account in the determination process.

The following bodies were consulted with:

- Local Authority Environmental Protection Dept
- Local Authority Planning Dept
- Food Standards Agency
- Health and Safety Executive
- Public Health England
- Relevant Director of Public Health

The following comments were received:

Response received from
Public Health England (PHE) (12/11/15)
Brief summary of issues raised
<p>PHE noted that their response was based on the assumption that the installation will comply in all respects with the requirements of all relevant domestic and European legislation, including:</p> <ul style="list-style-type: none"><li>• Environmental Permitting (England and Wales) Regulations 2010;</li><li>• Groundwater Regulations (2009) and the European Groundwater Directives (80/68/EEC and 2006/118/EC); and</li><li>• European Air Quality Framework Directive 96/62/EC and daughter directives and new Air Quality Directive 2008/50/EC.</li></ul> <p>It was further noted that compliance with the legislation, together with good management and regulation, should ensure that emissions present a low risk to human health.</p> <p>The main potential issues of relevance from a health perspective were reported to be diffuse emissions to air (including ammonia, bioaerosols and particulate matter), and emissions which may cause nuisance (including noise and odour), in particular to three residential properties within 150m of the site.</p> <p>PHE indicated that the above comments are made based upon the following assumptions:</p> <p>the permit holder is compliant in all respects with the requirements of the permit, all domestic and European legislation and that the permit holder uses Best Available Techniques (BAT).</p>
Summary of actions taken or show how this has been covered
The application of Best Available Techniques and mitigation measures addressing the occupational health of workers should minimise any potential

health impacts of releases from the farm on local residents. (Measures for the protection of occupational health are a matter for the operator and appropriate health and safety regulator and are not covered by this permit). Complaints from local residents will be required to be reported to the Environment Agency. Following these complaints the Environment Agency will, if necessary, seek advice on the risk to health from the local Primary Care Trust/Local Health Board. The Environment Agency will take into account any new information on emissions or the health effect of pollutants in future permit reviews.

For comments regarding noise and odour complaints; condition 3.3.1 concerning odour emissions and condition 3.4.1 concerning noise emissions has been included in the permit. With regard to bioaerosols conditions under sections 3.1 and 3.2 are included in the permit concerning emissions to air, land and water. In addition conditions under section 3.6 is included concerning pests.

**Response received from**

Charnwood Environmental Protection Department (20/11/15)

**Brief summary of issues raised**

The application represents an intensification of activities at the site. Due to the proximity of sensitive receptors the potential for occasional odour and noise impacts should therefore be acknowledged.

Appropriate monitoring and management plans for odour, noise and manure handling will therefore be necessary to mitigate these impacts so the facility and community may co-exist.

**Summary of actions taken or show how this has been covered**

The application of Best Available Techniques and mitigation measures addressing the occupational health of workers should minimise any potential health impacts of releases from the farm on local residents. (Measures for the protection of occupational health are a matter for the operator and appropriate health and safety regulator and are not covered by this permit). Complaints from local residents will be required to be reported to the Environment Agency. Following these complaints the Environment Agency will, if necessary, seek advice on the risk to health from the local Primary Care Trust/Local Health Board. The Environment Agency will take into account any new information on emissions or the health effect of pollutants in future permit reviews.

For comments regarding noise and odour complaints; condition 3.3.1 concerning odour emissions and condition 3.4.1 concerning noise emissions has been included in the permit. Conditions 2.3.5 and 2.3.6 are included concerning management of manure. With regard to bioaerosols conditions in sections 3.1 and 3.2 are included in the permit concerning emissions to air, land and water. In addition conditions in section 3.6 is included concerning pests.

The permit application was also published on the Environment Agency's website from 28/10/15 to 20/11/15; no comments/representations were received during the web consultation period.

The following bodies did not respond/comment on the application:

- Local Authority Planning Dept
- Food Standards Agency
- Health and Safety Executive
- Relevant Director of Public Health