

Permitting decisions

Variation

We have decided to grant the variation for Brafferton Poultry Farm operated by Hook 2 Sisters Limited. The variation number is EPR/MP3530US/V003.

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 and the variation notice. The introductory note summarises what the variation covers.

Key issues of the decision

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.

Amendments have been made to the conditions of this variation so that it now 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 Brafferton Poultry Farm (dated April 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.

The closest sensitive receptor to Brafferton Poultry Farm is approximately 500m from the permit boundary. There are a large number of residential properties to the south west of the site. The operator has developed an Odour Management Plan (OMP) which addresses how the impacts of odour on the sensitive receptors will be managed.

This OMP is considered acceptable having been assessed against the requirements of Integrated Pollution Prevention and Control (IPPC) SRG 6.02 (Farming): Odour Management at Intensive Livestock Installations and our 'Top Tips Guidance and Poultry Industry Good Practice Checklist' and with regard to the site specific circumstances at the installation. The operator is required to manage activities at the installation in accordance with condition 3.3.1 of the environmental permit and this OMP. The OMP includes odour control measures, in particular, procedural controls addressing odours by manure storage, cleaning out, ventilation, carcass removal, feed delivery, manure spreading and dust build up.

The OMP is required to be reviewed at least every 4 years and/or after a complaint is received, whichever is the sooner.

There is the potential for odour pollution from the installation, however the operator's compliance with their OMP, submitted with this application, should minimise the risk of odour pollution beyond the installation boundary. The risk of odour pollution at sensitive receptors beyond the installation boundary is not considered significant. We, the Environment Agency, have reviewed and approved the OMP and consider it complies with the requirements of our H4 Odour management guidance note. We agree with the scope and suitability of key measures but this should not be taken as confirmation that the details of equipment specification design, operation and maintenance are suitable and sufficient. That remains the responsibility of the operator.

Noise

As stated in the Odour section above, there are numerous residential properties approximately 500m from the permit boundary. The applicant has therefore submitted a Noise Management Plan (NMP) as part of the application supporting documentation.

Operations with the most potential to cause noise nuisance have been assessed as those involving delivery vehicles travelling to and from the farm, vehicles on site, feeding system, operation of ventilation fans, noise from birds, ventilation systems, bird removal and loading on to vehicles and clean out operations. The Noise Management Plan covers control measures, in particular, procedural controls addressing ventilation fans, feed deliveries, feeding systems, bird restocking, clean out operations, and manure management.

There is the potential for noise from the installation beyond the installation boundary, however the operator's compliance with the NMP, submitted with this application, should minimise the risk of noise pollution beyond the installation boundary. The risk of noise pollution at sensitive receptors beyond the installation boundary is therefore not considered significant. We, the Environment Agency, have reviewed and approved the NMP. We agree with the scope and suitability of key measures but this should not be taken as confirmation that the details of equipment specification design, operation and maintenance are suitable and sufficient. That remains the responsibility of the operator.

Ammonia

The applicant has demonstrated that the housing will meet the relevant NH₃ BAT-AEL.

There are no Special Areas of Conservation (SAC), Special Protection Areas (SPA), or Ramsar sites located within 10 kilometres of the installation. There is one Sites of Special Scientific Interest (SSSI) located within 5 km of the installation. There are also three Local Wildlife Sites (LWS) and Ancient Woodlands (AW) within 2 km of the installation.

Ammonia assessment – SSSI

The following trigger thresholds have been applied for assessment of SSSIs:

- If the process contribution (PC) is below 20% of the relevant critical level (CL_e) or critical load (CL_o) then the farm can be permitted with no further assessment.
- Where this threshold is exceeded an assessment alone and in combination is required. An in combination assessment will be completed to establish the combined PC for all existing farms identified within 5 km of the SSSI.

Initial screening using the ammonia screening tool version 4.5 has indicated that emissions from Brafferton Poultry Farm will only have a potential impact on SSSI sites with a precautionary critical level of 1µg/m³ if they are within 1,600 metres of the emission source.

Beyond 1,600 metres the PC is less than 0.2µg/m³ (i.e. less than 20% of the precautionary 1µg/m³ critical level) and therefore beyond this distance the PC is insignificant. In this case the SSSI is beyond this distance (see table below) and therefore screen out of any further assessment.

Where the precautionary level of 1µg/m³ is used, and the process contribution is assessed to be less than 20% the site automatically screens out as insignificant and no further assessment of critical load is necessary. In this case the 1µg/m³ level used has not been confirmed by Natural England, but it is precautionary. It is therefore possible to conclude no likely damage to these sites.

Table 1 – SSSI Assessment

Name of SSSI	Distance from site (m)
Pilmoor SSSI	2,476

Ammonia assessment - LWS/AW/LNR

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 (CLe) or critical load (CLo) then the farm can be permitted with no further assessment.

Initial screening using ammonia screening tool version 4.5 has indicated that emissions from Brafferton Poultry Farm will only have a potential impact on the LWS/AW/NNR sites with a precautionary critical level of $1\mu\text{g}/\text{m}^3$ if they are within 549 metres of the emission source.

Beyond 549m the PC is less than $1\mu\text{g}/\text{m}^3$ and therefore beyond this distance the PC is insignificant. In this case all LWS and AW are beyond this distance (see table below) and therefore screen out of any further assessment.

Table 2 – LWS/AW Assessment

Name of SAC/SPA/Ramsar	Distance from site (m)
Brafferton Spring Wood	749
Brafferton Embankment	1,139
Brafferton Spring	755

No further assessment is necessary.

Decision checklist

Aspect considered	Decision
Receipt of application	
Confidential information	A claim for commercial or industrial confidentiality has not been made. The decision was taken in accordance with our guidance on confidentiality.
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 confidentiality.
Consultation/Engagement	
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> <ul style="list-style-type: none"> • Health and Safety Executive • Hambleton Environmental Health <p>No responses were received.</p>
The facility	
The regulated facility	<p>We considered the extent and nature of the facility/facilities 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	<p>The operator has provided a plan which we consider is satisfactory, showing the extent of the site of the facility. The plan is included in the permit. This plan does not show the site layout, which will be finalised following the site re-development.</p> <p>The Operator will provide a finalised site plan following the re-development of the site. A pre-operational measure for future development (PO1) has been included within the permit to ensure that the site cannot stock broilers in the new poultry sheds (1-6) before the Environment Agency agrees upon the final site layout. Only changes that have insignificant environmental impact will be allowed to the site plan. The permit boundary will not be changed as a result of this pre-operational measure.</p>
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.

Aspect considered	Decision
	<p>The existing site boundary has expanded to the north and east as part of this variation. The additional area of land was previously used for arable purposes. There is no known history of contamination on the site.</p> <p>The proposed site is not within a Source Protection Zone but is located in a Nitrate Vulnerable Zone.</p> <p>The storage of all chemicals and dirty water is in appropriate containment to reduce any risk of potential and contamination.</p>
<p>Biodiversity, heritage, landscape and nature conservation</p>	<p>The application is within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat.</p> <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> <p>We have not consulted Natural England on the application. The decision was taken in accordance with our guidance.</p>
<p>Environmental risk assessment</p>	
<p>Environmental impact assessment</p>	<p>In determining the application we have considered the Environmental Statement.</p>
<p>Environmental risk</p>	<p>We have reviewed the operator's assessment of the environmental risk from the facility. The operator's risk assessment is satisfactory. The assessment sufficiently reviewed the risk of odour, noise, fugitive emissions and accidents. See the key issues section for further information.</p>
<p>Operating techniques</p>	
<p>General operating techniques</p>	<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 following operating techniques will be utilised:</p> <ul style="list-style-type: none"> • Segregate uncontaminated rainwater from waste water; • Drain waste water to a dedicated container; • All poultry sheds are insulated to reduce energy demand; • High velocity roof mounted ventilation on each shed to help disperse emissions from the shed; and, • Nipple drinkers used to keep litter dry. <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>

Aspect considered	Decision
Odour management	We have reviewed the odour management plan in accordance with our guidance on odour management. We consider that the odour management plan is satisfactory. See the key issues section for further information.
Noise management	We have reviewed the noise management plan in accordance with our guidance on noise assessment and control. We consider that the noise management plan is satisfactory. See the key issues section for further information.
Permit conditions	
Updating permit conditions during consolidation	We have updated permit conditions to those in the current generic permit template as part of permit consolidation. The conditions will provide the same level of protection as those in the previous permits.
Pre-operational conditions	Based on the information in the application, we consider that we need to impose pre-operational conditions. The Operator will provide a finalised site plan following the re-development of the site. A pre-operational measure for future development (PO1) has been included within the permit to ensure that the site cannot stock broilers in the new poultry sheds (1-6) before the Environment Agency agrees upon the final site layout. Only changes that have insignificant environmental impact will be allowed to the site plan. The permit boundary will not be changed as a result of this pre-operational measure.
Use of conditions other than those from the template	Based on the information in the application, we consider that we do not need to impose conditions other than those in our permit template.
Operator competence	
Management system	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.
Growth Duty	
Section 108 Deregulation Act 2015 – Growth duty	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 grant this permit. Paragraph 1.3 of the guidance says: “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.” 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-

Aspect considered	Decision
	<p>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.</p>

Consultation

We consulted the following organisations:

- Health and Safety Executive
- Hambleton Environmental Health

No responses were received.