

Environment Agency permitting decisions

Variation

We have decided to issue the variation for Fenemere Manor Poultry Unit operated by Mr. Richard Gough, Mrs. Sandra Gough and Mr. Leonard Gough (trading as L W Gough and Son).

The variation number is [EPR/YP3839UN/V002](#).

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

Key issues of the decision

Proposed changes

The operator has applied to make the following changes as part of this variation:

- To increase bird places from 52,000 to 85,000 laying hens.
- To construct a fourth poultry house. The fourth poultry house was included in the permit but has not been built yet.
- To change the housing system from a perchery with deep litter single tier system to multi-tier aviary systems using high velocity roof extract fans in all houses.

The operator also applied to add another permit holder. However, this will need to be undertaken as a separate transfer.

Ammonia emissions

The applicant submitted a detailed modelling report as part of their application. This report modelled the emissions of ammonia and the maximum annual nitrogen deposition and maximum annual acid deposition under the current site layout and the proposed scenario. The modelling report shows that the proposed variation will lead to a process contribution that is between 4% and 20% of the critical loads for nitrogen deposition and acid deposition at the Midland Meres Phase 1 Ramsar site. However, the modelling report states that the proposed scenario will lead to a reduction of impacts from ammonia emissions.

We have undertaken a mass balance calculation to demonstrate that the ammonia emissions will be significantly reducing from this site after the changes are made.

Table 1 Mass balance calculation

Permit	Animal/Housing Type	Emission factor (kg NH ₃ /animal place/year)	Animal Places	Ammonia Emissions (Kg NH ₃ /year)	Ammonia Emissions (g NH ₃ /s)
Original Permit EPR/YP3839UN/A001	Laying hens - perchery deep litter	0.29	52,000	15,080	0.48
	Total			15,080	0.48
Proposed Variation EPR/YP3839UN/V002	Laying hens – multi-tier aviary with weekly belt clean	0.08	85,000	6,800	0.22
	Total			6,800	0.22

Table 1 demonstrates that there will be a reduction in ammonia emissions due to the change in infrastructure proposed. Table 2 shows that there will be a 54.91% decrease in the ammonia emission level caused by changing to an aviary system.

Table 2 Reduction in emissions

Predicted emissions from proposed scenario as a percentage of existing emissions	45.09 %
Percentage reduction from existing emissions to proposed scenario	54.91 %

This variation is based on evidence that the change in housing systems and subsequent lower housing emission factor will lead to a significant decrease in ammonia emissions from the site. This means that the number of birds can be increased with no net predicted increase in ammonia than is currently emitted from the site and therefore no risk to protected sites. No further assessment of ammonia emissions is required and this variation represents a reduction in the risk to the environment from ammonia emissions.

Odour Management Plan

The operator submitted an odour management plan (reference Table A1 Odour risk assessment and management plan) with this variation application. This has been assessed using Environment Agency Guidance H4 Odour Management – How to Comply with your Environmental Permit and the Poultry Industry Good Practice Checklist. The plan was compared against these documents to ensure that the key sources of odour were addressed and adequate prevention and control measures are being proposed.

There are sensitive receptors approximately 360m south west of poultry house 1.

The operator has not mentioned keeping the site clean or the fact that the litter is removed from site immediately after it is emptied from the houses in the odour management plan. The operator has also not mentioned that litter is kept loose and friable and is regularly inspected to ensure it does not become excessively wet or dry or that all houses are equipped with non-leaking drinking systems. However these measures are included in the non technical summary and operating techniques of the permit application which has been incorporated into the new permit. A response to a request for information details that dry cleaning methods will be used during the clean out that occurs after destocking.

The key measures identified in the odour management plan for preventing and minimising odour releases are:

- Feed delivery is sealed and any spillages will be immediately swept up.
- The ventilation system will be checked and adjusted depending on the needs of the flock.
- Feed and ventilation will keep the manure dry.
- Carcasses are placed in sealed storage before being removed offsite.
- Manure and litter will be removed once a week and placed into trailers with minimal tipping. Litter and dirty water will be spread off site in accordance with a Manure Management Plan.

Based on their odour management plan, supporting documents submitted with the application and responses to requests for more information we are satisfied that odour releases will be minimised. We approve this odour management plan and it has been incorporated into the permit as an operating technique.

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. These Regulations transpose the requirements of the Industrial Emissions Directive (IED).

This permit implements the requirements of the EU 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 Fenemere Manor Poultry Unit (dated 28/01/07) was assessed as part of the original permit application and demonstrated 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
Consultation		
Scope of consultation	The consultation requirements were identified and implemented. The decision was taken in accordance with Regulatory Guidance Note (RGN) 6 High Profile Sites, our Public Participation Statement and our Working Together Agreements.	✓
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 Environmental Permitting Regulations (EPR) RGN 1 Understanding the meaning of operator.	✓
European Directives		
Applicable directives	All applicable European directives have been considered in the determination of the application. The permit has been updated to modern conditions which take into account the Industrial Emissions Directive (IED) – see Key Issues section for more details.	✓
The site		
Extent of the site of the facility	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 extent of the site will not change as a result of this variation. The applicant has provided an up to date plan which shows the location of the poultry houses. This has been amended to show the location of the roof fans and discharges to surface water.	✓

Aspect considered	Justification / Detail	Criteria met Yes
Biodiversity, Heritage, Landscape and Nature Conservation	<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>This installation is located within 10km of the Midland Meres Ramsar site and within 5km of the Fenemere Site of Special Scientific Interest. The site is also within 2km of five local wildlife sites, and four instances of ancient woodland.</p> <p>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.</p> <p>Because of the distance between the sites and the designated sites, the only pathway for the installation to affect the designated sites would be through emissions to air. Dust emissions will be minimised through the measures set out in the fugitive emissions management plan provided in the application. Ammonia emissions will be reduced by the proposed changes so will reduce the impact from the farm upon the designated sites.</p> <p>We have not formally consulted on the application. The decision was taken in accordance with our guidance.</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 posing a minimal risk to the environment.</p>	✓
Operating techniques	<p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes.</p> <p>The key operating techniques the operator will use are:</p> <ol style="list-style-type: none"> 1. The housing will be an aviary system with high 	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>velocity roof extraction fans for ventilation.</p> <p>2. Housing will have a damp proof course and be fully insulated.</p> <p>3. Non leaking drinking systems will be used.</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 Best Available Techniques Reference Documents (BREFs) and Best Available Techniques Conclusions.</p>	
The permit conditions		
Updating permit conditions during consolidation.	<p>We have updated previous permit conditions to those in the new generic permit template as part of permit consolidation. The new conditions have the same meaning as those in the previous permits.</p> <p>The operator has agreed that the new conditions are acceptable.</p>	✓
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> <p>Sections of the application which describe how the installation will be run and pollution will be prevented have been incorporated. This includes the odour and noise management plans submitted as part of this application.</p>	✓
Operator Competence		
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>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
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.	✓