

Environment Agency permitting decisions

Bespoke permit

We have decided to grant the permit for **Drove Lane Farm Poultry Unit** operated by **Valley Farm Poultry Limited**.

The permit number is **EPR/PP3530NJ**

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

Introduction

The installation is centred on the National Grid Reference TM 00709 64346. The new installation is located approximately 1.5 km North of Wetherden and approximately 1.5 km North East of Elmswell.

The installation covers approximately 1.1 hectares and the site is a redevelopment of an existing complex of farm buildings. The operator has already built two broiler chicken houses and plans an extension to each of these and the construction of a third house. Currently the farm operates below the threshold of 40,000 bird places requiring an EPR permit. The surrounding land use is principally arable cropping.

The farm will operate with a capacity of **158,000** broilers.

Hence the facility is required to be permitted as a scheduled activity under Environmental Permitting Regulations as follows;

Section 6.9 A (1) (a) (i) Rearing of poultry intensively in an installation with more than 40,000 places

It is noted that, on permit issues, until existing buildings are extended and third poultry building is complete the bird numbers will be approximately **52,000**.

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 IED.

Environmental Impacts

Ammonia Emissions

There are no European statutory sites within the relevant screening distances of the installation boundary. There are two Sites of Special Scientific Interest within the 5 km screening criteria; Norton Wood and The Gardens, Great Ashfield which are 3.3 km to the west and 3.7 km to the north of the installation respectively. There is one other conservation site which is both a Local Wildlife Sites (LWS) and an Ancient Woodland (AW) within 2 km of this installation.

Overall, the assessment below is based on ammonia emission factor of **0.034** kgNH₃/animal place/year for broilers and fan ventilated fully littered floor with non-leaking drinkers. The maximum number of animal places of **158,000** has been utilised in this ammonia assessment.

Ammonia Assessment – SSSIs

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 in-combination assessment and/or detailed modelling may be required.

Where sites screen out as <20%

Screening using our screening assessment dated 22/07/14 indicated that the PCs for the following SSSIs are predicted to be less than 20% Critical Level for ammonia, acid and N deposition therefore it is possible to conclude no damage. The results of the ammonia screening tool v 4.4 are given in the tables below.

A precautionary level of 1µg/m³ for Critical Level for ammonia has been used during the screen.

Screening indicates that beyond **2,949 m** distance, the Process Contribution at conservation sites is less than 20 % of the 1µg/m³ critical level for ammonia. In this case the SSSI's below in Table 1 are beyond this distance.

TABLE 1– distance from source

Site	Distance (m)
Norton Wood	3,267
The Gardens, Great Ashfield	3,672

The PCs for ammonia at these sites has been screened as insignificant. It is therefore possible to conclude that no significant pollution will occur at these sites and no further assessment is required. Where a CLe of $1\mu\text{g}/\text{m}^3$ is used, and the process contribution is assessed to be less than the 20% insignificance threshold in this circumstance it is not necessary to further consider Nitrogen Deposition or Acidification Critical Load values. In these cases the $1\mu\text{g}/\text{m}^3$ level used has not been confirmed, but it is precautionary.

Ammonia assessment – Other conservation sites (LWS/AW/LNR).

There is one other conservation sites which is both a Local Wildlife Sites (LWS) and an Ancient Woodland (AW) within 2 km of this installation. 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.

Sites that screen out using distance criteria

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) dated 22/07/14.

Screening using ammonia screening tool (version 4.4) has indicated that emissions from Drove Lane 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 **361m** 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 $1\mu\text{g}/\text{m}^3$ CLe and therefore beyond this distance the PC is insignificant. In this case all other nature conservation sites are beyond this distance.

Table 2 – distance from source

Site	Distance (m)
East Wood AW	819
East Wood LWS	819

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**

Groundwater and soil monitoring

As a result of the requirements of the Industrial Emissions Directive, all permits are now required to contain condition 3.1.3 relating to 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 the 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 your 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 initially dated August 2014 is within Appendix 2 of the supplementary application documentation.

It includes completion of H5 template plus an installation boundary with locations of farm buildings and a separate site drainage plan with location of three underground tanks for receipt of wash down water plus standby generator and fuel oil tank

The installation covers approximately 1.1 hectares. The surrounding land is predominantly used for arable farming. There are some small villages in the area.

The site itself is relatively flat or gently undulating. There are no sensitive environmental features nearby. Historically the land has been used for arable farming production.

The site is within a Groundwater Nitrate Vulnerable Zone (NVZ) ; however the site is not within a Groundwater Source Protection Zone nor a flood plain.

Our technical review of this specific former land usage is as follows.

- There is no record of installation area land contamination.
- There is no record of any usage of the installation area except for agricultural usage.
- The site is not within a Source Protection Zone.

Therefore the conclusion is there is a low risk of historic groundwater and land contamination due to former activities within installation boundary.

Therefore, although condition 3.1.3 is included in the permit, no groundwater monitoring will be required at this installation as a result.

Odour

There are two sensitive receptors within 400 metres of the installation and therefore an odour management plan has been prepared. These consist of residential properties as follows:

1. A residence 220 metres approximately to the south west of the installation boundary (National Grid Reference TM 00576 64100)
2. Residences 350 - 380 metres to the south east of the installation boundary (National Grid Reference TM 01024 64097) at intersection of Drove Lane and Edington Road.

There is no history of odour complaints from local residents linked to the existing poultry facility.

An Odour Management Plan has been submitted with this application. The OMP consists of:

- Appendix 9 initial OMP submission and risk assessment for odour in appendix 11 Table 1.
- Duly making response with more detailed OMP including list of sensitive receptors, application of Poultry Code of Practice Checklist giving more details on appropriate measures for odour pollution minimisation beyond installation boundary plus procedures on odour monitoring and complaints management.

The OMP covers feed selection, feed storage and containment, ventilation design, techniques to manage wash down and litter management.

Overall there is the potential for odour pollution from the installation. However the risk of odour pollution beyond the installation boundary is considered insignificant.

Noise

There are sensitive receptors within 400 metres of the installation boundary as stated above in the odour review. The applicant has hence provided a noise management plan in appendix 10 of their supplementary application information and an associated risk assessment in appendix 11 Table 2.

Operations with the most potential to cause noise nuisance have been assessed as those involving Poultry loading , farm building ventilation fans, delivery of supplies and materials plus automated feed lines. The noise management plan covers control measures for each of these potential noise hazards.

The management plan includes a commitment to assess noise levels during such activities and optimise vehicles and procedures to minimise noise.

There is no history of noise complaints linked to the existing poultry farm below EPR scheduled activity threshold.

Overall there is the potential for noise from the installation beyond the installation boundary. However the risk of noise beyond the installation boundary is considered insignificant.

Annex 1: decision checklist

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 RGN 6 High Profile Sites, our Public Participation Statement and our Working Together Agreements. The application was sent for consultation with <ul style="list-style-type: none"> • Mid Suffolk Council Planning Department • Mid Suffolk District Council Environmental Health Department • HSE 	✓
Responses to consultation and web publicising	The web publicising and consultation responses (Annex 2) were taken into account in the decision. No consultations comments were received. 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.	✓
European Directives		
Applicable directives	All applicable European directives have been considered in the determination of the application. This permit meets IED requirements. This permit implements the requirements of the EU Directive on Industrial Emissions. See the key issues section of this document above for further information.	✓
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. This plan was finalised with the duly making response. 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. Please refer to key issues, section 'Groundwater and soil monitoring'. As a result of further assessment, baseline data is not required. 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 screening distance criteria of the following nature conservation sites. There are no European statutory sites within the relevant screening distances. There are two Sites of Special Scientific Interest within 5 km screening criteria ; Norton Wood and The Gardens, Great Ashfield. There is one nature conservation sites within 2 km of this installation. An ammonia emissions review is included in key issues section of this document. In conclusion installation environmental impacts on the surrounding habitat sites are considered not significant.	✓
Environmental Risk Assessment and operating techniques		
Environmental risk	We have reviewed the operator's assessment of the environmental risk from the facility. The operator's risk assessment is satisfactory. The assessment shows that, applying the conservative criteria in	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	our guidance on Environmental Risk Assessment all emissions may be categorised as environmentally insignificant.	
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 confirmed that all farm facilities and operating techniques will be in compliance with our sector guidance EPR 6.09.</p> <p><u>The Operator has proposed the following techniques:</u></p> <ul style="list-style-type: none"> • Feed selection is carefully selected with reference to bird's growth curve. Phosphorous and protein levels are altered over the growing. • All poultry buildings will be well insulated for optimum animal health and the houses will use high velocity extraction fans to optimise odour dispersion. • Procedures are in place to record the number animal places and animal movements. • Litter is spread on land but none owned by the operator. • The stand by generator is complete with an integral bund. There is no separate diesel storage facility within installation. • Dirty water storage from all three poultry houses is contained within a three shared below ground storage tank. The tanks are 13 and 30 m3 in capacity and are sized for maximum bird numbers. Procedures are in place to minimise risk of overflowing and cleanout will stop. A diverter valve is in place to prevent dirty water entering surface water courses. • Roof water is transferred via above ground drain French drains to a nearby ditch. Yard water is transferred to a pond , not managed by the site. • Sealed and collision-protected feed storage bins <p>The permit conditions ensure compliance with relevant BREFs and BAT Conclusions, and ELVs deliver compliance with BAT-AELs.</p>	✓
The permit conditions		
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.	✓
Operator Competence		
Environment management system (EMS)	<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 applicant has chosen to utilise their own management system without external certification.</p> <p>Appendix 3 of the supporting information gives the detail of their EMS covering normal operation, maintenance schedules and records, incidents and abnormal operations, complaints system, accident management, training and provision of competent staff plus site security.</p> <p>The accident management plan is currently being prepared to allow completion prior to facility operation above EPR scheduled activity threshold.</p> <p>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>One relevant conviction was found from 2011 ; this is linked to the operator Valley Farm Poultry Limited but not for this site.</p> <p>Since that time the operator has worked with the Environment Agency fully in applying for the relevant permit for the site in question. A new bespoke farm</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>permit EPR/NP3832HP was issued in 2011. That installation has been well managed without environmental incident since permit issue. In addition they have worked pro-actively with the Environment Agency in seeking pre-application for this new installation.</p> <p>The operator satisfies the criteria in RGN 5 on Operator Competence.</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.</p> <p>The decision was taken in accordance with RGN 5 : 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.

No external consultation responses were received.

This proposal was also publicised on the Environment Agency's website for 4 weeks but no representations were received during this period.