

Environment Agency permitting decisions

Bespoke permit

We have decided to grant the permit for **Poplar Farm Poultry Unit** operated by **Peter Brown, Isabel Brown and Daniel Brown**

The permit number is **EPR/GP3636AN**.

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

- Description of main features of the installation
- Key issues
- Annex 1 the decision checklist
- Annex 2 the consultation and web publicising responses

Description of the main features of the Installation

Poplar Farm Poultry Unit is situated approximately 1.2 kilometres to the north east of the village of Kenny Hill and 3 kilometres to the north of the town of Mildenhall. The installation is approximately centred on National Grid Reference TL 66890 80930.

The installation is operated by Peter Brown, Isabel Brown and Daniel Brown and comprises two poultry houses for free range laying hens. The two poultry houses provide a combined capacity for 44,000 bird places. Hens are brought onto the farm at either 18 or 19 weeks old and are depopulated at a maximum of 58 weeks of age, after the laying cycle has finished.

The existing poultry house 1 is based on a perchery system with deep litter and natural roof ventilation. The new poultry house 2 is based on an aviary

system with roof fan outlet and also has gable end fan outlet which are operated infrequently to maintain temperature, typically in the summer months.

At the end of the cycle the houses are depopulated, washed and disinfected ready for the next cycle. Manure is exported from the installation for spreading on land including land owned by the operator. Water from the wash out of poultry houses is channelled to an underground collection tank close to the houses to await export off site and spread on land including land owned by the operator. Yard surface water (excluding periods of washout when water from the yard drains to the underground tanks) and roof water from all houses drain to a total of thirty soakaways (ten for poultry house 1 and twenty for poultry house 2). There are no discharges to surface water from the installation.

No mixing and milling of feed takes place within the installation boundary. Associated food is stored on the installation in sealed food bins. Mortalities are collected daily and stored in a secure container on site for removal under the National Fallen Stock Scheme.

Key issues of the decision

Industrial Emissions Directive (IED)

The Environmental Permitting (England and Wales) (Amendment) Regulations 2013 were made on the 20 February 2013 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 this installation is dated January 2016 and within the application supporting information. This SCR 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, and although condition 3.1.3 is included in the permit no groundwater monitoring will be required.**

The installation is not in a Source Protection Zone (SPZ) or a Groundwater Vulnerability Zone (GWVZ). It is in surface water Nitrate Vulnerable Zone (NVZ) and within a Flood Zone (Flood Zone 3).

Ammonia emissions

There are three Special Areas of Conservation (SAC), Special Protection Areas (SPA) or Ramsar sites located within 10 kilometres of the installation boundary. There are 4 Sites of Special Scientific Interest (SSSI) located within 5 km of the installation boundary. There are no other nature conservation sites within 2 km of the installation boundary.

The assessment below concludes that the installation impacts on all of the relevant habitat sites within screening distances screens out as having **insignificant** environmental impacts on the basis of our Ammonia Screening Tool AST v.4.4 assessment dated 26/05/15.

Ammonia Assessment – SAC / SPA / Ramsar sites

The following trigger thresholds have been designated for assessment of European sites including Ramsar sites.

- If the Process Contribution (PC) is below 4% of the relevant critical level (Cle) or critical load (CLo) then the farm can be permitted with no further assessment.
- Where this threshold is exceeded an assessment alone and in combination is required.
- An overlapping in combination assessment will be completed where existing farms are identified within 10km of the application.

Screening using the detailed modelling has determined that the Process Contribution (PC) on the SAC/SPA/Ramsar sites for ammonia, acid and N deposition from the application site are under the 4% significance threshold and can be screened out as having no likely significant effect. A precautionary level of $1\mu\text{g}/\text{m}^3$ for Critical Level for ammonia has been used during the screen for the SAC site.

Screening indicates that beyond **4,974 m** distance, the Process Contribution at conservation sites is less than 4 % of the $1\mu\text{g}/\text{m}^3$ critical level for ammonia. In this case the habitat sites below in Table 1 are beyond this distance.

Table 1– Distance from source

Site	Distance (m)
Rex Graham Reserve SAC	9,187
Breckland SAC	5,573
Breckland SPA	6,047

On the basis of distances above there is no further requirement for assessment as installation impacts on these habitat sites are concluded to have no likely significant effect.

Where a CLe of $1\mu\text{g}/\text{m}^3$ is used, and the process contribution is assessed to be less than the 4 % insignificance threshold in these circumstances it is not necessary to further consider Nitrogen Deposition or Acidification Critical Load values.

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 (CLe) or critical load (CLO) 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 10km of the application.

Our screening assessment dated 26/05/15 indicated that the PCs for the following SSSIs are predicted to be less than 20% CLe/CLO for ammonia, acid and N deposition therefore it is possible to conclude no damage. The results of the ammonia screening tool v4.4 are given in the tables below.

A precautionary CLe of $1\mu\text{g}/\text{m}^3$ for ammonia has been used during the screen.

Screening indicates that beyond **2,077 m** distance, the PC at SSSIs is less than 20 % of the $1\mu\text{g}/\text{m}^3$ critical level for ammonia. In this case the SSSI's below in Table 2 are beyond this distance.

Table 2 – SSSI Assessment

Name of SSSI	Distance from site (m)
Wilde Street Meadow	4,283
Lakenheath Poors Fen	3,552
Shippea Hill	4,793
Stallode Wash, Lakenheath	4,168

No further assessment is required.

Odour

There are no sensitive receptors within 400 metres of the installation boundary. In line with our guidance EPR 6.09 an odour management plan is not required in this situation. The closest relevant sensitive receptors is approximately 500 metres due east of the installation boundary and the next sensitive receptors are over 750 metres to the west of the installation boundary.

Nonetheless the Applicant has completed an Odour Management Plan (OMP) within application supplementary information dated January 2016 including an assessment of feed and litter management plus ventilation controls and poultry building design to minimise the risk of odour pollution beyond the installation boundary.

Further the OMP covers building clean out and spent litter removal procedures and a complaints procedure.

Overall we consider odour impact potential from this installation to be not significant.

We have not formally approved this OMP, as the OMP is not required in line with our guidance EPR 6.09.

No further environmental impact assessment is required.

Noise

There are no sensitive receptors within 400 metres of the installation boundary. In line with our guidance EPR 6.09 a Noise Management Plan (NMP) is not required in this situation. The closest relevant sensitive receptors is approximately 500 metres due east of the installation boundary and the next sensitive receptors are over 750 metres to the west of the installation boundary.

Nonetheless the Applicant has completed an NMP within the application supplementary information dated January 2016.

Operations with the most potential to cause noise nuisance have been assessed as those involving ventilation fans, biomass boiler flue , feed deliveries, feeding systems and broiler catching, building clean outs plus noise emissions from the standby generator, farm building ventilation fans, delivery of supplies and materials plus automated feed lines.

The NMP covers control measures for each of these potential noise hazards

Overall we consider noise impact potential from this installation to be not significant.

We have not formally approved this NMP, as the NMP is not required in line with our guidance EPR 6.09.

No further environmental impact assessment is required.

Annex 1: decision checklist

This document should be read in conjunction with the application, supporting information and permit.

Aspect considered	Justification / Detail	Criteria met
		Yes
Receipt of submission		
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.	✓
Consultation		
Scope of consultation	<p>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.</p> <p>For this application we consulted the following bodies:</p> <ul style="list-style-type: none"> • Health and Safety Executive (HSE) • Forest Heath District Council Environmental Health <p>The operator owned Poplar Farm residential property is over 100 metres from the installation boundary and therefore consultation with Public Health England is not required, in line with our guidance.</p>	✓
Responses to consultation and web publicising	<p>The web publicising and responses (Annex 2) were taken into account in the decision.</p> <p>The decision was taken in accordance with our guidance.</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 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 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.</p> <p>A plan is included in the permit and the operator is required to carry on the permitted activities within the site boundary.</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
Site condition report	<p>The operator has provided a description of the condition of the site.</p> <p>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).</p>	✓
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>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 site.</p> <p>Please refer to Key Issues section Ammonia Assessment for further information.</p> <p>An Appendix 11 dated 07/04/16 has been sent to Natural England for information only.</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 environmentally insignificant.</p>	✓
Operating techniques	<p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes.</p> <p>The operating techniques are as follows:</p> <ul style="list-style-type: none"> • The existing poultry house 1 is based on a perchery system with deep litter. The new poultry house 2 is based on an aviary system. • Poultry housing is ventilated by natural ventilation (poultry house 1) and roof ridge fans and gable end fans in poultry house 2 • Litter is exported off site and is spread on land including land owned by the operator • Roof water and yard surface water drains to a total 	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>of thirty soakaways. There are no discharges from this installation to surface water beyond the installation boundary</p> <ul style="list-style-type: none"> • Diesel storage – A 1,200 litre bunded fuel tank provides diesel for the on-site generators. • Sealed feed storage bins. • Carcasses are collected daily and stored in a secure container on site prior to disposal under the National Fallen Stock Scheme. • Phosphorous and protein levels are reduced over the production and growing cycle by providing different feeds. • No artificial heating is provided. <p>The proposed techniques for priorities for control are in line with the benchmark levels contained in the SGN EPR6.09 and we consider them to represent appropriate techniques for the facility. The permit conditions ensure compliance with relevant BREFs and BAT Conclusions.</p>	
The permit conditions		
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>	✓
Emission limits	We have decided that emission limits should be not set in the permit.	✓
Operator Competence		
Environment management system	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.	✓
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. The operator satisfies the criteria in RGN 5 on Operator Competence.</p>	✓
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.	✓

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.

We have received no specific comments from external consultees. HSE external response dated 22/04/16 confirmed they had no comments to make

The application was also advertised on the www.gov.uk website but no comments were received.