

Environment Agency permitting decisions

Bespoke permit

We have decided to grant the permit for Bowlands Farm Poultry Unit operated by Fridays Limited

The permit number is EPR/TP3636NV

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 assessment

There are 2 Local Wildlife Sites (LWS), and 14 Ancient Woodlands (AW) within 2 km of Bowlands Farm. 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, as set out above, using results of the Ammonia Screening Tool version 4.4. The Process Contribution on the LWS/AW for ammonia, acid and N deposition from the application site are under the 100% significance threshold and can be screened out as having no likely significant effect.

Table 1 - Ammonia Emissions LWS's and AW's

Site	Critical Level Ammonia $\mu\text{g}/\text{m}^3$	PC $\mu\text{g}/\text{m}^3$	PC % Critical Level
Woods, meadows and ponds, High Halden	1	0.314	31.4
Sandpit Wood, Clapper Hill	1	0.312	31.2
Unnamed woodland	1	0.742	74.2
Potts Wood	1	0.315	31.5
Goldwell Wood	3**	2.523	84.1
Duesden Wood	1	0.369	36.9
Hassock	1	0.550	55.0
Mill Shaw	1	0.309	30.9
Coney Wood	1	0.201	20.1
Five Acre Shaw	1	0.161	16.1
Birch Wood	1	0.320	32.0
Timber Wood	1	0.153	15.3
Shave	1	0.311	31.1
Orchard Field Wood	1	0.166	16.6
Hook Wood	1	0.334	33.4
Brickhouse Wood	1	0.143	14.3
Great Blackman Wood	1	0.186	18.6

Where the precautionary level of $1\mu\text{g}/\text{m}^3$ is used, and the process contribution is assessed to be < 100% the site automatically screens out as insignificant, and no further assessment of critical load is necessary. In these cases the $1\mu\text{g}/\text{m}^3$ level used has not been confirmed, but it is precautionary. **CLE3 applied as no protected lichen or bryophytes species were found when checking easimap layer

Table 2 - Nutrient enrichment

Site	Critical Load nutrient enrichment kg N/ha/yr	PC Kg N/ha/yr	PC % Critical Load
Goldwell Wood	10	13.102	131.0

* Critical load values taken from APIS website (www.apis.ac.uk) – 22/07/2014

Table 3 - Acidification

Site	Critical Load acidification keq/ha/yr	PC keq/ha/yr	PC % Critical Load
Goldwell Wood	3.06	0.936	30.583

* Critical load values taken from APIS website (www.apis.ac.uk) - 22/07/2014

As a result of the exceedence of the PC critical load for nutrient enrichment the operator was required to undertake further more detailed modelling. The operator used three specific points within Goldwell Wood to model the potential impact. Modelling figure from 2011 are used in the tables below as they are general considered the worst case scenario. A fourth point of impact was used in the modelling however this related to a non designated area on our habitats screening

For the following sites this farm has been screened out, as set out above, using results of the detailed modelling supplied by the applicant as part of the application (Document Reference: Modelling ammonia emissions at Bowlands Farm Poultry Unit (SAC consulting) December 2013). The process contribution of NH₃ does not exceed 100% of the critical level of 3 µg/m³ at the ancient woodland site.

Table 4 - Ammonia Emissions

Site	Critical Level Ammonia µg/m ³	PC µg/m ³	PC % Critical Level
Goldwell Wood specific point 1	3*	0.484	16.1
Goldwell Wood specific point 2	3*	0.952	31.7
Goldwell Wood specific point 3	3*	0.762	25.4

* CLe3 applied as no protected lichen or bryophytes species were found when checking easimap layer

Table 5 - Nutrient enrichment - nitrogen

Site	Critical Load nutrient enrichment kg N/ha/yr	PC Kg N/ha/yr	PC % Critical Load
Goldwell Wood specific point 1	10*	3.8	38
Goldwell Wood specific point 2	10*	7.4	74
Goldwell Wood specific point 3	10*	5.9	59

* Critical load values taken from APIS website (www.apis.ac.uk) – 22/07/2014

Modelling shows PC <100% of relevant Critical Level or Load, **no further assessment for these sites is required.**

Changes to bird numbers

Since the above ammonia assessment was completed by the Environment Agency, the Operator has decreased their proposed bird numbers from 131,840 to 66,000. As this is a decrease to less than half the originally proposed bird numbers, we are satisfied this change will not result in an environmental impact based on the result of the assessment above

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 condition 3.1.3 relating to groundwater monitoring. However, our 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 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 for Bowlands Farm Poultry Unit (dated 21st July 2014) demonstrated that the hazards to land or groundwater have been mitigated/minimised such that there is little likelihood of pollution and there is no evidence of historic contamination on site. Therefore, although this condition is included in the permit, no groundwater monitoring will be required at this installation as a result.

Odour Management Plan and odour modelling

An Odour Management Plan (OMP) and odour modelling was submitted with the application [ADMS Modelling & Data 04/12/2013].

Odour modelling

Odour modelling report 'Proposed Poultry Sheds at Bowlands Farm Odour Assessment (December 2013)' was considered when determining the risk of potential odour impacts from the farm. The applicant predicted a maximum 98th percentile of hourly odour concentrations of $4\text{OU}_E/\text{m}^3$. This exceeds the benchmark of $3\text{OU}_E/\text{m}^3$ (which is considered appropriate for this assessment), indicating the potential for odour pollution.

Assumptions are made when modelling odour, and therefore model predictions are associated with a number of uncertainties. Predictions therefore are indicative only, and it is necessary to consider wider odour management at any site when making permitting decisions. In this case, as the modelling indicates there may be potential for odour pollution, we would expect a detailed odour management plan (OMP) to be implemented which sets out measures to ensure the site is managed in such a way that the risk of odour nuisance to the local amenity is minimised as far as practicable.

As a result the applicant has reduced the number of bird places from 131,840 to 66,000 and submitted an odour management plan with additional contingency measures which we have reviewed as part of the application process. We are satisfied with the measures set out in the OMP; however we also require that it is periodically reviewed by the operator to ensure its continued suitability for this installation.

Odour Management Plan

The applicant submitted a robust Odour Management Plan (OMP) which detailed operational and control measures appropriate for the management and control of odour on this site. These measures will ensure the risk of odour nuisance to the local amenity is minimised as far as practicable. The OMP is a flexible, live document which should be reviewed and updated over time or following a report of odour as part of incident review procedures set out in the Bowlands Farm Poultry Unit odour management plan.

The OMP details

- Potential sources of odour, odour control measures and backstop contingencies in the event of a substantiated odour pollution incident at the installation.
- Complaint response and investigation procedures as well as odour monitoring procedures.
- The operating techniques outlined in the operator's odour risk assessment and environment statement which support odour management at the site.

We have assessed the plan with regard to site specific circumstances at the installation against the requirements of our H4-Odour Management guidance and the 'Poultry Industry Good Practice Checklist'. The Poultry Industry Good Practice checklist has been developed by the Environment Agency, British Egg Industry Council, British Poultry Council and the National Farmers Union. This was to ensure that the techniques being used in the OMP for Bowlands Farm Poultry Unit are suitable.

Taking into account that:

- the operator is obliged to work in accordance with the Bowlands Farm Poultry Unit odour management plan
- the regulatory control the Environment has through condition 3.3.1 of the permit

- There are no previous odour complaints from the existing site

We consider that there are satisfactory controls in place to ensure that the installation can be operated without odour pollution while adequately preventing odours from reaching unacceptable levels.

Noise Management Plan

The operator has submitted a Noise Management Plan (NMP) with their application in which they assessed the risk of noise and outlined operating techniques to manage vehicle movements to, from and around the site and bird and extraction noise. We have assessed the plan in line with our guidance and we satisfied it is sufficient to manage the risk posed by noise from the site.

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 RGN 6 High Profile Sites, our Public Participation Statement and our Working Together Agreements.	✓
Responses to consultation,	The consultation and web publicising responses (Annex 2) were taken into account in the decision. 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.	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	Refer to key issues section above for further information regarding the Industrial Emissions Directive (IED).	
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.	✓
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. (see key issue section of this document for more information). We have not formally consulted on the application. The decision was taken in accordance with our guidance.	✓
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 our guidance on Environmental Risk Assessment, all emissions may be categorised as environmentally insignificant.	✓
Operating	We have reviewed the techniques used by the operator	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
techniques	<p>and compared these with the relevant guidance notes.</p> <p>The proposed techniques for control are in line with the benchmarks contained in Sector Guidance Note 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> <p>The operator has proposed the following key techniques:</p> <ul style="list-style-type: none"> • Housing design and management will be in accordance with the Sector Guidance Note (SGN) EPR6.09. • Feed selection and use will be in accordance with the Sector Guidance Note (SGN) EPR6.09. • Nipple drinkers are used to reduce wastage of water and maintain dry litter; • All dirty water is collected in storage tanks and taken off site. <p>We consider that the operating techniques specified in the permit reflect the BAT for the installation.</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>	✓
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>	✓
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>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	The operator satisfies the criteria in RGN 5 on Operator Competence.	
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

Summary of responses to consultation and web publication and the way in which we have taken these into account in the determination process. (Newspaper advertising is only carried out for certain application types, in line with our guidance.)

Response received from
Local Authority Environment Health
Brief summary of issues raised
Temporary storage of manure prior to spreading to land should not take place at this site
Summary of actions taken or show how this has been covered
Operator has outlined in their odour management plan that there will be no storage of litter outside the poultry buildings and litter will be transported offsite after building clean out

Response received from
HSE
Brief summary of issues raised
- No Issues
Summary of actions taken or show how this has been covered
- No action

Director of Public Health, Public Health England were consulted however, consultation responses from these parties were not received - (receipt of comments to be received by 03/09/14). No relevant comments / representations were received during the web consultation period.

This proposal was also publicised on our website between 08/08/14 and 08/09/14 and no representations were received