

## **Environment Agency permitting decisions**

### **Variation**

We have decided to issue the variation for Milton Farm Poultry Unit operated by Mr Edward Morris.

The variation number is [EPR/WP3334VW/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.

### **Description of the changes introduced by the Variation**

This is a substantial variation.

This variation authorises the following changes:

- Increasing the number of broilers on site from 370,000 to 440,000
- Installation of 3 new poultry sheds to house the additional broilers using high velocity roof ventilation with an efflux speed of 11 metres per second (m/s)
- Change to site boundary to incorporate the new poultry sheds

### **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, web publicising responses

## 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 Milton Farm Poultry Unit (dated 22/07/2016) 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**

There are sensitive receptors within 400 metres of the installation therefore an Odour Management Plan (OMP) has been prepared, as required in chapter 3, section 3.3 of guidance SGN How to comply – Intensive Farming - The EPR Sector Guidance Note 6.09 for intensive pig and poultry farmers, Version 2, published January 2010 (SGN EPR 6.09).

This plan is considered acceptable having been assessed against the requirements of 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 and this OMP. The OMP includes odour control measures, in particular, procedural controls such as odours from the broiler production, manufacture and selection of feed, feed delivery and storage, ventilation and heating systems, litter management, carcass storage and disposal, poultry house clean out, washing operations, fugitive emissions, dirty water management, abnormal operations, waste production and storage and a complaints procedure. The OMP is required to be reviewed at least every year and/or after a complaint is received, whichever is the sooner.

The occupants of the farm residence and people associated with the farm are not considered as sensitive receptors as it is unlikely that odour will be perceived as a nuisance.

There is the potential for odour pollution from the installation beyond the installation boundary. The operator's compliance with their Odour Management Plan, submitted with this application, should minimise the risk of odour pollution beyond the installation boundary and the risk of odour pollution at sensitive receptors beyond the installation boundary is not considered significant.

## **Noise**

There are sensitive receptors within 400 metres of the installation boundary as stated above in the odour section. The applicant has provided 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 ventilation fans, feed deliveries, feeding systems, fuel deliveries, alarm systems, bird catching, clean out operations, maintenance and repairs, standby generator and the set-up of the site. The noise management plan covers control measures for each of these potential noise hazards.

As for odour, the occupants of the farm residence and people associated with the farm are not considered as sensitive receptors as it is unlikely that noise will be perceived as a nuisance.

There is the potential for noise from the installation beyond the installation boundary. However the risk of noise beyond the installation boundary is considered unlikely to cause a nuisance.

## Dust and bioaerosols

There are measures included within the permit (the 'Fugitive Emissions' conditions) to provide a level of protection. The use of Best Available Techniques and good practice will ensure minimisation of emissions. Furthermore, condition 3.2.1 'Emissions of substances not controlled by an emission limit' is included in the permit. This is used in conjunction with condition 3.2.2 which states that in the event of fugitive emissions causing pollution following commissioning of the installation, the Operator is required to undertake a review of site activities, provide an emissions management plan and to undertake any mitigation recommended as part of that report, once agreed in writing with the Environment Agency.

The applicant has also submitted a fugitive emissions assessment, written in accordance with Environment Agency's EPR 6.09 How to Comply with your Environmental Permit for Intensive Farming Appendix 11 guidance. We consider that the measures outlined in the fugitive emissions assessment will help to minimise the potential for bioaerosol emissions from the installation.

## **Ammonia emissions**

There are 3 Sites of Special Scientific Interest (SSSI) located within 5 km of the installation. There are also 11 Local Wildlife Sites (LWS) and Ancient Woodlands (AW) within 2 km of the installation.

## **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<sub>e</sub>) or critical load (CL<sub>o</sub>) 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 application.

Initial screening using Ammonia Screening Tool v4.5 has indicated that emissions from Milton Farm Poultry Unit will only have a potential impact on SSSI sites with a precautionary critical level of 1µg/m<sup>3</sup> if they are within 1,770 metres of the emission source.

Beyond 1,770 m the PC is less than 0.2µg/m<sup>3</sup> (i.e. less than 20% of the precautionary 1µg/m<sup>3</sup> critical level) and therefore beyond this distance the PC is insignificant. The SSSIs are beyond this distance (see table below) and therefore screen out of any further assessment.

Where the precautionary level of 1µg/m<sup>3</sup> 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/m<sup>3</sup> 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**

<b>Name of SSSI</b>	<b>Distance from site (m)</b>
Byton & Combe Moors SSSI	3,809
Moseley Common, Pembridge SSSI	2,654
River Lugg SSSI	4,448

### **Ammonia assessment - LWS/AW**

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 (CL<sub>e</sub>) or critical load (CL<sub>o</sub>) then the farm can be permitted with no further assessment.

Initial screening using ammonia screening tool version 4.5 has indicated that emissions from Milton Farm Poultry Unit will only have a potential impact on the LWS/AW sites with a precautionary critical level of 1µg/m<sup>3</sup> if they are within 607 metres of the emission source.

Beyond 607 m the PC is less than 1µg/m<sup>3</sup> and therefore beyond this distance the PC is insignificant. In this case all LWS/AWs are beyond this distance (see table below) and therefore screen out of any further assessment.

**Table 2 – distance from source**

<b>Site</b>	<b>Distance (m)</b>
River Arrow LWS	1,540
Shobdon Pools LWS	1,513
Disused railway, Kington to Leominster LWS	940
Pinsley Brook LWS	828
Marsh Covert LWS	1,130
Vallet Coppice AW	1,098
Unknown AW	1,461
Ravensmere Wood AW	2,015
Coppice AW	1,761

Hooks Coppice Wood AW	1,920
Ashbed AW	1,418

## 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
<b>Consultation</b>		
Scope of consultation	The consultation requirements were identified and implemented. The decision was taken in accordance with our Public Participation Statement and our Working Together Agreements.	✓
Responses to consultation and web publicising	The web publicising and consultation responses (Annex 2) were taken into account in the decision.  The decision was taken in accordance with our guidance.	✓
<b>European Directives</b>		
Applicable directives	All applicable European directives have been considered in the determination of the application.  The permit implements the requirements of the EU Directive on Industrial Emissions.  <b>See key issues 'Industrial Emissions Directive' section above for further information.</b>	✓
<b>The site</b>		
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).	✓

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>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>We have not formally consulted on the application. The decision was taken in accordance with our guidance.</p>	✓
<b>Environmental Risk Assessment and operating techniques</b>		
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"> <li>• dirty water storage facilities are in place on site;</li> <li>• nipple drinkers are used to reduce wastage of water and maintain dry litter;</li> <li>• High velocity roof ventilation with an efflux velocity greater than 11 metres per second.</li> </ul> <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>	✓
<b>The permit conditions</b>		
Updating permit conditions	<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</p>	✓



Aspect considered	Justification / Detail	Criteria met
		Yes
during consolidation.	<p>meaning as those in the previous permit.</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>	✓
<b>Operator Competence</b>		
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>	✓

## **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. (Newspaper advertising is only carried out for certain application types, in line with our guidance.)

### **1) Local Authority Environmental Health**

Response received from
a) Herefordshire Council 19th August 2016
Brief summary of issues raised
Concerns were raised that small particulate matter can, in certain circumstances, have an unacceptable effect on local air quality. The response recommends that additional information should be requested, including a screening assessment for small particulate matter (PM10's).
Summary of actions taken or show how this has been covered
We will not be requesting the suggested screening assessment as we will rely on the fugitive emissions section of the H1 Risk Assessment submitted by the operator to ensure small particulate matter will be managed. The comments of Herefordshire Council Environmental Health have been taken into account in the determination of the application, and the standard permit conditions applied are designed to ensure that emissions remain at an acceptable level.

### **2) Public Health England**

Response received from
Public Health England 16th August 2016
Brief summary of issues raised
No significant concerns were raised regarding the risk from the proposed activity, providing the applicant takes all appropriate measures to prevent or control pollution, in accordance with the relevant sector technical guidance or industry best practice.
Summary of actions taken or show how this has been covered
None required

### **3) Health and Safety Executive**

Response received from
No response
Brief summary of issues raised
No response received

Summary of actions taken or show how this has been covered
N/A

**4) Director of Public Health**

Response received from
No response
Brief summary of issues raised
No response received
Summary of actions taken or show how this has been covered
N/A

Note: As per the working together agreement for the Health Protection Agency and Director of Public Health no consultation is required for this permit. Also as per the working together agreement for Food Standard Agency again no consultation with FSA required for this permit.

This application was publicised on the Environment Agency website between 25/07/2016 and 23/08/2016, but no representations were received during this period.