

# Determination of an Application for an Environmental Permit under the Environmental Permitting (England & Wales) Regulations 2010.

## Consultation on our decision document recording our decision-making process

The Permit Number is: **EPR/TP3035EW**  
The Applicant is: **Crown Waste Management Limited**  
The Installation is located at: **Crown Stables Poultry Unit  
Nuneaton Road  
Mancetter  
North Warwickshire  
CV9 1RF**

Consultation commences on: **29 September 2015**  
Consultation ends on: **26 October 2015**

## Environment Agency permitting decisions

### What this document is about

This is a draft decision document, which accompanies a draft permit.

It explains how we have considered the Applicant's Application, and why we have included the specific conditions in the draft permit we are proposing to issue to the Applicant. It is our record of our decision-making process, to show how we have taken into account all relevant factors in reaching our position. Unless the document explains otherwise, we have accepted the Applicant's proposals.

The document is in draft at this stage, because we have yet to make a final decision. Before we make this decision we want to explain our thinking to the public and other interested parties, to give them a chance to understand that thinking and, if they wish, to make relevant representations to us. We will make our final decision only after carefully taking into account any relevant matter raised in the responses we receive. Our mind remains open at this stage: although we believe we have covered all the relevant issues and reached a reasonable conclusion, our ultimate decision could yet be affected by any information that is relevant to the issues we have to consider. However, unless we receive information that leads us to alter the

conditions in the draft Permit, or to reject the Application altogether, we will issue the Permit in its current form.

In this document we frequently say “we have decided”. That gives the impression that our mind is already made up; but as we have explained above, we have not yet done so. The language we use enables this document to become the final decision document in due course with no more re-drafting than is absolutely necessary.

We try to explain our decision as accurately, comprehensively and plainly as possible. Achieving all three objectives is not always easy, and we would welcome any feedback as to how we might improve our decision documents in future. A lot of technical terms and acronyms are inevitable in a document of this nature: we provide a glossary of acronyms near the front of the document, for ease of reference.

### **Preliminary information and use of terms**

We gave the application the reference number EPR/TP3035EW/A001. We refer to the application as “the **Application**” in this document in order to be consistent.

The number we propose to give to the permit is EPR/TP3035EW. We refer to the proposed permit as “the **Permit**” in this document.

The Application was duly made on 28 April 2015.

The Applicant is Crown Waste Management Limited. We refer to Crown Waste Management Limited as “the **Applicant**” in this document. Where we are talking about what would happen after the Permit is granted (if that is our final decision), we call Crown Waste Management Limited “the **Operator**”.

The proposed facility is located at Crown Stables, Nuneaton Road, Mancetter, North Warwickshire, CV9 1RF. We refer to this as “the **Installation**” in this document.

This Application became designated as ‘High Public Interest’ during the determination and towards the end of the initial consultation period when we became aware of the level of public interest in the site.

The consultation period ran initially from 13 May 2015 to 11 June 2015 and was subsequently extended by 10 working days, providing further opportunity for comments to be submitted. Although comments continue to be received and considered up to the point this draft decision document is issued.

Many of the comments received were resubmissions of comments made for a previous Planning application, and do not relate directly to issues that the Environment Agency regulate or can consider as part of the determination of the Application.

The resulting comments have been considered and are addressed in Annex 2 of this document.

We are minded to grant the permit for Crown Stables Poultry Unit operated by Crown Waste Management Limited.

We consider in reaching that decision we have taken into account all relevant considerations and legal requirements and that the permit will ensure that a high level of protection for the environment and human health 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**

- Details of the proposal
- Environmental issues and their control
- Annex 1 the consultation and web publicising responses

## **Details of the proposal**

The installation comprises a single broiler unit providing capacity for 40,001 broiler places (broilers are chickens bred specifically for meat production).

This unit meets the threshold for requiring an environmental permit under listed activity: Section 6.9 A(1)(a)(i) Rearing of poultry intensively in an installation with more than 40,000 places.

The Application has been assessed in line with our guidance: EPR 6.09 Sector Guidance Note – How to comply with your environmental permit for intensive farming (EPR 6.09). The techniques proposed by the Applicant meet the requirements set out in this guidance and are considered to be the best available techniques (BAT) for a broiler unit of this size. It is a requirement of the permit that the poultry unit is operated in line with this guidance.

Day old chicks are brought into the unit and fed and watered until they reach around 37 days of age, at which point they are removed from the site and taken to a meat processing facility. There is a 7 day cleaning period plus the stocking and destocking time resulting in an average cycle length of 48 days.

The chicks are bedded on wood shavings to a minimum depth of 2cm, fresh bedding is added throughout the cycle. Non-leaking drinking systems will be used so that the litter does not get too wet, and reducing the likelihood of run off to the underground reception pit.

The clean out process takes place generally within 24 hours of destocking (maximum 48 hours), and comprises removing the manure / bedding from the building, steam cleaning and washing down the internal surfaces and applying disinfectant. Once the unit is fully dry, new bedding will be added and the building restocked with chicks.

Building ventilation will be reduced to a minimum during the clean out process to contain dust and particulate within the confines of the building.

All manure is exported from the installation on covered trucks for use in an energy recovery facility. No manure will be stored on site.

Water from the wash out of poultry houses, and condensate from the heat exchanger, will drain to an underground reception pit (covered) close to the broiler unit to await collection and export off site by road tanker.

There will be no emissions to sewer.

The broiler unit is ventilated by 18 high speed roof fans with emission points 7 metres above ground level and an efflux speed greater than 7 metres per second. In addition to the fans, windows on the sides of the building allow for natural ventilation.

Other associated infrastructure includes two feed silos, a heat exchanger to regulate the temperature in the building, the underground reception pit located within a concrete yard and an attenuation pond for collection of uncontaminated rainwater from the yard within the installation boundary.

Roof water and yard rain water is directed via the surface water drainage system into an attenuation pond before being released under controlled conditions to an adjacent watercourse which is a ditch that runs towards the River Anker. All water released from the pond will be uncontaminated, if there is a likelihood of contaminated water getting into the pond, the outlet from the pond to the ditch can be closed by means of a hydraulic brake. The pond will then be emptied with the contents being tankered away for appropriate disposal. The capacity of the pond is 145 m<sup>3</sup>.

The dirty water drainage system collects wash down water from the broiler unit, directing it to the underground reception pit. The storage capacity of the pit is 15.2 m<sup>3</sup>. The pit will be emptied at the end of each cleaning operation. Water levels within the pit will be monitored at all other times, and it will be emptied more frequently if necessary.

The broiler feed is stored in sealed feed bins, filled via a closed delivery system from a truck. Feed will be delivered weekly, during daylight hours. The feed will be supplied by a UKASTA accredited feed mill. UKASTA is the UK Agricultural Supply Trade Association (now operating as Agricultural Industries Confederation (AIC)).

Carcasses are collected once a week and stored in a secure container on site prior to removal by a licensed waste disposal contractor.

The operator has provided a site plan which we consider is satisfactory, showing the extent of the site of the facility. The plan is included in the permit and the operator is required to carry on the permitted activities within the site boundary.

## Key issues and their control

### Receptors

There are a number of sensitive receptors within 400 metres of the installation and therefore a noise management plan and an odour management plan have been prepared in accordance with EPR 6.09 and Annex B of H1 guidance which forms part of the Environment Agency risk assessment framework. Annex b is the technical annex relating to risks associated with intensive farming.

The receptors situated within 400m are as follows:

1. Residences and equestrian centre approximately 40m to the north of the installation boundary at the top of the entrance road; approximately 100m from the broiler house. (NGR: SP 32441 96158).
2. A residence / farm approximately 110m west of the installation boundary (NGR: SP 32215 96003).
3. Residences on the outskirts of Mancetter village, approximately 280m north west of the installation boundary (NGR: SP 32265 96356).
4. A residence / farm approximately 370m east of the installation boundary (NGR: SP 32790 95863).

**Note:** where documents such as Odour Management Plan, Risk Assessment, Technical Standards are referred to below; operating in accordance with these is a requirement of the permit. We have specified that the Operator must operate the permit in accordance with process and procedures described in the application, including all additional information received during the determination process.

These documents are specified in the Operating Techniques table in the permit (Table S1.2).

# 1. Air Emissions

## Human Health

The Applicant is aware of the potential impacts on human health from air emissions from the broiler unit, (dust / bioaerosols, ammonia) and the risk of disease from birds; and has identified measures to prevent or minimise these emissions, as set out in their risk assessment and technical standards document, and as described in further detail below.

- Dust / bioaerosols

The housekeeping practices employed on site to protect the staff and as part of the disease control strategy, will also benefit the wider community in that minimising dust around the unit will reduce the potential for dust / bioaerosol emissions to disperse into the atmosphere.

These practices include feed delivered premixed and kept in covered silos; clearing of dust to prevent build up on buildings and surfaces; use of appropriate bedding and correct storage of fresh bedding supplies. In addition as part of the biosecurity (disease management) measures no manure will be stored on site.

The best available evidence in relation to bioaerosol emissions from an intensive farm is that they return to existing levels, i.e. usual background levels, at about 100m from the source. Most of the receptors are much further away than this, the nearest receptor being the equestrian centre, at about 100m from the actual broiler unit. Therefore at this distance it is not considered that there will be any impact.

- Ammonia

The Health Protection Agency (now Public Health England) has stated (Position Statement, Intensive Farming 2006) that it is unlikely that ammonia emissions from a well run and regulated farm would be sufficient to cause ill health. Whilst the potential adverse effects of ammonia include respiratory irritation and may also give rise to odour complaints, levels of ammonia in ambient air will decrease rapidly with distance from a source.

The Operators' measures to manage particulate emissions which will minimise ammonia emissions from the site are included in their Environmental Risk Assessment and Odour Management Plan. It is a requirement of the permit that the site is operated in accordance with the OMP.

We have assessed these measures and have determined they represent best available techniques for this activity. The measures do include operating ventilation systems to achieve appropriate conditions for the age and weight of the birds and controlling litter moisture levels. This would mean not running the ventilation systems when not required (i.e. during periods of low temperatures), and ensuring the litter does not become too dry in order to minimise the potential for emissions.

Other measures include the feed formulation designed to match broiler requirements and minimise the amount of manure (ammonia) produced; maintaining sufficient

wood shavings as bedding to bind nitrogen; regular monitoring of broiler house and maintenance of equipment; manure removal to take place quickly, and transported in covered trucks.

Overall, emissions will be prevented, and where this is not practicable, minimised; and will not cause any significant harm to human health.

## **Odour**

The poultry unit will comprise high speed, ridge-mounted chimney fans for ventilation and to disperse odour (as well as dust / bioaerosols and ammonia – see sections above).

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

- An initial OMP submission and H1 risk assessment Table 1.
- Duly making response with updated OMP (April 2015).
- An updated version dated July 2015.

The OMP covers feed selection, feed storage and containment, ventilation design, wash down and manure management, and contingency measures.

The Operator acknowledges that cleaning out the manure from a broiler unit is a potential source of odour; vehicles will be loaded at a low level immediately outside the doors at the south east end of the building, and sheeted before leaving the site to minimise dust and odour emissions.

Broiler litter has the potential to produce sulphurous compounds. The same management techniques as for minimising production and emission of ammonia (refer section above) are applied to minimise sulphurous compounds forming and producing odour; as described in the OMP.

Given the nature of the proposed activity there is the potential for odour pollution from the installation. However the risk of odour pollution beyond the installation boundary is considered insignificant provided operations are undertaken in accordance with the OMP as submitted (July 2015). This is a requirement of the permit and will prevent and where that is not practicable minimise odorous emissions.

## **Feed and diet**

The broiler feed is formulated to match each stage of growth and development to reduce wastage, (3 different feed formulations). The feed comprises mainly grain including varying levels of protein and phosphorous nutrients. The phosphorous content is reduced over the production cycle in line with industry practice. This satisfies the requirements of EPR 6.09 which states that the broiler diet should minimise the excretion of nitrogen and phosphorous.

The feed will be supplied by a UKASTA accredited feed mill; it will comprise of cereals, seeds, soya beans, pulses, along with protein supplements and vitamins and other additives to increase the feed conversion ratio.

## **Maintenance**

Monthly checks will be carried out on the ventilation system in accordance with the manufacturer's instructions to ensure efficient operation.

## **Ammonia emissions - impact on habitats**

We assess the potential impact of emissions on conservation sites and species which are protected in law by legislation (e.g. Habitats Directive, Environment Act). We cannot permit something that will result in significant pollution to sites, habitats or species.

The Habitats Directive provides the highest level of protection for Special Areas of Conservation (SACs) and Special Protected Areas (SPAs), domestic legislation provides a lower but still important level of protection for Sites of Special Scientific Interest (SSSIs). Finally the Environment Act provides more generalised protection for flora and fauna rather than for specifically named conservation designations. It is under the Environment Act that we assess other sites (such as Local Wildlife Sites - LWS) which offers levels of protection proportionate with other European and national legislation. However, it should not be assumed that because levels of protection are less stringent for these other sites, that they are not of considerable importance. Local sites link and support EU and national nature conservation sites together and hence help to maintain the UK's biodiversity resilience.

The emissions from Intensive Farming installations that could impact on a conservation site are ammonia in the form of an atmospheric gas, or acid or nitrogen in the form deposition onto the ground.

We use a Critical Level (CL<sub>e</sub>) as a measure of the gaseous concentration of pollutants (ammonia) in the atmosphere; above this level direct adverse effects on the receptor (habitat / species) may occur.

We use a Critical Load (CL<sub>o</sub>) as a measure of the quantity of pollutant (acid or nitrogen) deposited from air to ground; exposure of the receptor to concentrations below this CL<sub>o</sub> will not experience significant harmful effects.

This approach to assessing emissions from an Intensive Farming Installation such as this poultry unit, are supported by data from the Air Pollution Information System ([www.apis.ac.uk](http://www.apis.ac.uk)) and has been agreed with Natural England.

Critical levels and loads are set to protect the most vulnerable habitat types. Thresholds change in accordance with the levels of protection afforded by the legislation (see above). Therefore the thresholds for SACs and SSSIs are more stringent than those for other nature conservation sites; e.g. LWS and Ancient Woodlands (AW).



There is 1 SAC located within 10 kilometres of the installation. There are 4 SSSIs located within 5 km of the installation. There are also 16 LWS' and AWs, within 2 km of the installation.

### Ammonia assessment – SAC

The following trigger threshold is applied for the assessment of SACs (in agreement with Natural England):

- where the process contribution (PC), i.e. the amount of potential pollutant emitted, is below 4% of the relevant critical level (CLe) or critical load (CLo) then the farm can be permitted with no further assessment.

Screening using the ammonia screening tool (version 4.3) has determined that the PC on the SAC for ammonia from the proposed site is under the 4% significance threshold and can be screened out as having no likely significant effect. Results shown in Table 1 below.

**Table 1 – Ammonia emissions**

| Site                                | Critical level ammonia $\mu\text{g}/\text{m}^3$ | Predicted PC $\mu\text{g}/\text{m}^3$ | PC % of Critical level |
|-------------------------------------|---|---------------------------------------|------------------------|
| Ensor's Pool (habitat for crayfish) | 1   | 0.07                                  | 0.7                    |

A precautionary approach is taken, choosing the lowest critical level of  $1 \mu\text{g}/\text{m}^3$ . Where the precautionary level of  $1 \mu\text{g}/\text{m}^3$  is used, and the PC is assessed to be less than the 4% threshold, it is not necessary to further consider nitrogen deposition or acid deposition, as the lowest critical level represents the most sensitive habitat, no other pollutant would have a greater impact. We are satisfied that there will be no likely significant effect on the interest features of the SAC.

### Ammonia assessment – SSSIs

The following trigger threshold has been applied for assessment of SSSIs (in agreement with Natural England):

- where 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.

Screening using the ammonia screening tool (version 4.3) has indicated that the PCs for the SSSIs in the table below are predicted to be less than 20% of the critical level for ammonia therefore it is possible to conclude no damage. Results are given in Table 2 below.

**Table 2 – Ammonia emissions**

| Name of SSSI   | Ammonia CLe ( $\mu\text{g}/\text{m}^3$ ) | PC ( $\mu\text{g}/\text{m}^3$ ) | PC as % of Critical level |
|--|--|---------------------------------|---------------------------|
| Bentley Park Wood (broad leaved, mixed & yew woodland) | 1  | 0.028                           | 2.8                       |
| Illing's Trenches (geological interest)                | 1  | 0.051                           | 5.1                       |
| Boon's Quarry (geological interest)                    | 1  | 0.069                           | 6.9                       |
| Woodlands Quarry (geological interest)                 | 1  | 0.084                           | 8.4                       |

A precautionary approach is taken, choosing the lowest critical level of  $1 \mu\text{g}/\text{m}^3$ . Where the precautionary level of  $1 \mu\text{g}/\text{m}^3$  is used, and the process contribution is assessed to be less than the 20% threshold it is not necessary to further consider nitrogen deposition or acid deposition.

In these cases the  $1 \mu\text{g}/\text{m}^3$  level used has not been confirmed, but as it is the strictest level that could apply its use is precautionary. The actual level could be  $3 \mu\text{g}/\text{m}^3$  depending on the habitat being protected, we have applied the lower limit. We are satisfied that the proposed installation would not damage the special features of any of the SSSIs.

#### Ammonia assessment - LWS/AW

There are 16 Local Wildlife Sites (LWS)/Ancient Woodland (AW) within 2 km of Crown Stables. The following trigger thresholds have been applied for the assessment of these sites (in agreement with Natural England):

- where the PC is <100% of the relevant critical level or load, then the farm can be permitted with no further assessment.

For the following sites this farm has been screened out as described above, based on the results of the ammonia screening tool (version 4.3).

Screening using ammonia screening tool (version 4.3) has indicated that emissions from Crown Stables will only have a potential impact on sites with a critical level of  $1 \mu\text{g}/\text{m}^3$  if they are within **250 metres** of the emission source; beyond this distance, the PC at conservation sites is less than  $1 \mu\text{g}/\text{m}^3$ .

In this case all LWS/AW are significantly beyond this distance (see Table 3) and so the PC will be significantly below  $1 \mu\text{g}/\text{m}^3$  for each site.

**Table 3 – distance from source**

| Site                            | Distance (m) |
|---------------------------------|--------------|
| Quarries Wood LWS               | 1,654        |
| River Anker Meadows LWS         | 1,737        |
| Witherley Hedgerow LWS          | 1,276        |
| Hedgerow North of Witherley LWS | 1,650        |

|                                   |       |
|-----------------------------------|-------|
| Mythe Lane Hedgerow LWS           | 2,088 |
| Drayton Lane Hedgerow LWS         | 1,372 |
| Chapel Lane Hedgerow LWS          | 1,628 |
| Chapel Lane Hedgerow 2 LWS        | 1,618 |
| Kennel Farm Hedgerow and Tree LWS | 1,622 |
| Atterton Road Hedgerow LWS        | 1,979 |
| Rawn Hill LWS                     | 1,240 |
| Purley & Mancetter Quarries LWS   | 1,165 |
| Unknown AW                        | 1,477 |
| Quarries Wood South AW            | 1,161 |
| Hartshill Hayes AW                | 1,138 |
| Upper Coal Spinney AW             | 1,783 |

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.

In summary we can conclude that the installation would not cause significant pollution at any of these sites as in each case the predicted PC is less than the relevant critical level.

## 2. Noise

We have assessed the Noise Management Plan (NMP) and associated H1 Assessment of noise risk; the Applicant has followed the guidance set out in EPR 6.09 and we are satisfied that all sources and receptors have been identified, and the proposed mitigation measures will minimise the risk of noise pollution / nuisance.

The NMP does state that deliveries will be made during daylight hours (06:00 – 19:00); however our interpretation of daylight hours is 07:00 – 23:00 as detailed in EPR 6.09. The Applicant has acknowledged that where they refer to ‘daylight’ hours in their operating techniques that the Environment Agency will interpret that to mean starting no earlier than 07:00, and this has been incorporated into the permit.

The noise risk assessment confirms that deliveries of feed and fuel will be made during daylight hours; and that animal movements will take place during daylight hours.

The Applicant also submitted a ‘Plant noise and vibration assessment’ intended to provide information relevant to the local planning authority in support of the planning application for the broiler unit. The assessment mostly refers to National Planning Practice Guidance applicable to location planning, rather than the operational element of the activity under British Standard BS4142.

In this Plant noise and vibration assessment, the noise from the heat exchanger is identified as the having the highest Sound Pressure Level, for which mitigation has been provided by locating it at the furthest point away from receptors, and by the construction of an acoustic barrier around it.

Although this assessment has not been written for the environmental permit application, does not use the latest standard BS4142 and did not include the full

modelling files; we have considered its contents as part of the determination and are satisfied that its conclusions are consistent with the NMP and do not alter our decision.

Based on the information submitted regarding noise, we are satisfied that the plan meets our requirements in respect of noise management and mitigation and that noise will be prevented and where that is not practicable minimised.

### **3. Water and land pollution, potential to contribute to local flooding**

The hard standing areas around the building will be constructed as an impermeable surface which is kerbed to prevent run off to the surrounding area. This area is connected to surface water drainage system which collects uncontaminated rain water from roofs and clean surfaces and directs this to the attenuation pond. Visual inspections of the pond will take place to confirm it contains no contamination before any water is discharged to adjacent watercourse.

If contamination is identified in the pond, the pond will be isolated and the contaminated water removed by tanker for offsite disposal.

Areas that may contain contamination such as the manure loading area, and building wash down will drain to the underground reception pit which is emptied after each cleaning process or earlier as required.

During heavy rainfall events where there is potential for flooding the surface water drains will be blocked with sandbags and barrier boards to prevent discharge of excess water into the attenuation pond. Water would be contained within the yard for pumping out for disposal off site. There will be no need to release water through the pond during flooding events.

The capacity of the pond is 145 m<sup>3</sup>, if water reaches this level it will be released in a controlled manner to the watercourse preventing sudden surge in flow.

The site is not within a Source Protection Zone and we do not consider that there will be any significant pollution of either ground or surface water or harm to human health.

#### **Groundwater and soil monitoring**

As a result of the requirements of the Industrial Emissions Directive, all permits are now required to contain a condition requiring periodic monitoring of soil and groundwater. However, the Environment Agency's H5 Guidance states that it is only necessary for the operator to take baseline samples of soil or groundwater and measure levels of contamination where there is evidence that there is, or could be existing contamination and the same contaminants could be released by the proposed activities.

The site condition report (SCR) for Crown Stables (dated January 2015) demonstrates that there are no existing hazards or likely pathways 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 needed to provide base line reference data for the soil and groundwater at the site at this stage.

The decision was taken in accordance with our guidance on site condition reports and baseline reporting under IED– guidance and templates (H5).

#### **4. Operator competence**

Operator competence is determined on whether the Applicant can demonstrate technical competence, has any relevant convictions and is deemed to be financially competent, as stated in our Guidance RGN 5 'Operator Competence'.

Operation of an intensive farming installation is not a relevant waste activity and as such does not require compliance with an approved scheme. Instead the Operator demonstrates by way of their management system, (condition 1.1 in permit) that staff training and development requirements are met, along with provision for keeping up-to-date with technical and legislative changes.

We consider operator competence in this context throughout the life of the permit.

An Applicant's compliance record includes a review of relevant convictions and can take into account any known breaches of other regulatory regimes. The provisions of the Rehabilitation of Offenders Act 1974, require convictions of individuals to be considered spent after a prescribed period. In this case relevant convictions were identified for the Operator; but were treated as if spent as they would be for an individual.

Financial competence is initially based on whether the applicant has any current or past insolvency and bankruptcy proceedings. We are not aware of any such proceedings against this Applicant.

A credit check has been carried out, and we have no reason to consider that the Operator would not be financially viable to operate and manage the poultry unit appropriately to meet the requirements of the permit.

The operator competence checks have been carried out in line with our guidance (RGN 5) and we are satisfied that the operator meets the requirements.

The Operator is required to operate the unit in accordance with an Environmental Management System (EMS) under condition 1.1 of the permit. The Operator commits to the operating techniques as described in the application and as incorporated into the permit in condition 2.3.1 (table S1.2), any deviation from either of these would be a breach of the permit, and action would be taken in accordance with our usual approach to enforcement.

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.

## **5. Accident Management**

An accident management plan has been submitted, which includes details of the site infrastructure along with the location and an inventory of all tanks and stores. It also includes a plan of the drainage layout, and details of fire fighting equipment, location of spill kits and diverter valves.

The emergency procedures are set out, giving priority to livestock welfare and avoiding environmental pollution. Procedures are written for different accident scenarios: overflow of drainage system, power outage, fire, disease outbreak, and flood.

The proposal now includes provision of a generator on site in case of power failure.

We are satisfied that the procedures are suitable to prevent or minimise environmental pollution in the event of an accident.

## **6. Pests**

A pest management plan has been submitted outlining the steps for monitoring fly activity, and for managing fly infestations. Fly screens will be fitted to doors and windows where feasible to do so, and so as not to impede ventilation.

Carcasses are removed once a week and stored in sealed containers awaiting removal.

Any manure found to contain flies or maggots will be treated to eradicate them.

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## Annex 1: Consultation and web publicising responses

### Advertising and Consultation on the Application

The Application has been consulted upon in accordance with the Environment Agency's Public Participation Statement. The way in which this has been carried out, along with the results of our consultation and how we have taken consultation responses into account in reaching our draft decision is summarised in this Annex. Copies of all consultation responses have been placed on the Environment Agency public register (unless a request has been made for it to remain confidential).

The Application was advertised on the Environment Agency website from 13/05/2015 – 25/06/2015.

The following statutory and non-statutory bodies were consulted:

North Warwickshire Local Authority – Environmental Protection;  
Health & Safety Executive.

#### 1) Consultation Responses from Statutory and Non-Statutory Bodies

|  |
|--|
| Response received from   |
| North Warwickshire Local Authority – Environmental Protection  |
| Brief summary of issues raised   |
| Agree with the findings of the noise assessment that this proposal should not have any adverse impact on nearby properties.<br>Concerns regarding the closeness of the proposed unit to residential properties; closer than the recommended separation distances for this type of agricultural operation.<br>This site may affect the amenity of nearby dwellings.   |
| Summary of actions taken or show how this has been covered   |
| The Noise Management Plan submitted demonstrates that suitable control measures and abatement techniques will be in place to minimise noise. Condition 3.4 of the permit relates to noise.<br>The recommended separation distances relate to Planning guidance and will be considered as part of the planning application. We are satisfied that there will not be any significant pollution of the environment or harm to human health at any receptor. |

## **2) Consultation Responses from Members of the Public and Community Organisations / County / Parish / District Councillors**

The consultation responses received were wide ranging and a number of the issues raised were outside the Environment Agency's remit in reaching its permitting decisions. Specifically questions were raised which fall within the jurisdiction of the planning system, both on the development of planning policy and the grant of planning permission.

Guidance on the interaction between planning and pollution control is given in the National Planning Policy Framework. It says that the planning and pollution control systems are separate but complementary. We are only able to take into account those issues, which fall within the scope of the Environmental Permitting Regulations. Planning permission will still be required before the proposals can go ahead.

We have received 50 responses from members of the public and community organisations representing local residents, and from County and District Councillors.

### **Comments:**

Some of the comments received referred to the previously withdrawn planning application and contained issues that are outside the Environment Agency's remit as described above.

These issues raised are: location of the site, whether the land use is appropriate, site access, traffic issues, highways suitability, employment opportunities, visual impact of buildings and from lighting, impact on tourism, impact on house prices, proximity to railway, request for a public debate, animal welfare issues.



Issues that the Environment Agency can consider:

1) Human health impacts from: air pollution (emissions from the high velocity fans, including bioaerosols / dust / particulates, disease in birds).

**How this has been considered:** (see key issues section on human health)

The operator will use high velocity roof mounted fans which effectively disperse emissions into the atmosphere reducing their concentration and impact, and is considered to be BAT under EPR6.09. Emissions from the 7m high fan will rise into the atmosphere and disperse quickly, with the amount of bioaerosols in the air returning to background levels about 100m from the source.

The litter within the building will be maintained at an appropriate level of moisture, not too wet that run off is generated, but not too dry that excess dust and particulate are produced.

Good housekeeping is key, and the operator will be required to keep areas clean and dust free. There will be regular inspections and a cleaning regime to remove dust.

The site will adhere to the detailed biosecurity procedures to prevent disease occurring in the birds as stated in the Environmental Risk Assessment. These procedures are based around maintaining a clean, dust free site. The operator would notify Animal Health of an outbreak of serious disease, and implement procedures as agreed with them, and in conjunction with the Environment Agency if necessary.

In addition, feed is not milled or mixed on site and the feed management procedures in place should ensure that particulate emissions will be minimised from this source.

We are satisfied that the appropriate measures will be taken to minimise the production and emissions of dust / bioaerosols / particulates to the local area and that there will be no significant impact on the health of the local population as a whole.

2) Water pollution – River Anker & local watercourses

**How this has been considered:** (See the key issues section on Water)

a) We are satisfied that appropriate prevention and control measures will in place to control the flow of water and prevent pollution entering local watercourses and the River Anker.

The Applicant's accident management plan outlines the procedures they would take in the event of a spillage or severe weather events to prevent pollution or excess water reaching the river.

Severn Trent Water confirm that the drinking water supply to this area is from a surface water supply treated at works in Warwickshire. There will be no pathway for contamination of the local water supply from this activity.

b) Specific concerns were raised about the potential for wash down of the unit to clear diseased or dead birds or other waste (carcasses, feathers, internal organs) and this will collect and lie in the attenuation pond. This would then rot and soak into soil & water course over time, impacting on groundwater.

**How this has been considered:**

All carcasses will be collected from within the building and stored in sealed containers awaiting removal off site.

Wash down water and debris will not enter the attenuation pond which is for roof and yard water collection only. During clean out of the shed, all wash down water will be directed to the reception pit for later collection and removal off site.

### 3) Odour

**How this has been considered:** (See key issues section on Odour)

The odour management plan is incorporated into the permit and the operator must adhere to the control measures stated within it. For example, covering vehicles before leaving the site, keeping used bedding contained, keeping doors open for minimum amount of time during cleaning out.

There are fears that there could be a cumulative effect from a local rendering plant located just over 1 km to the south east of this proposed poultry unit.

If there are odour issues from either site, the wind direction at the time could be used to determine where the odour originates, and the source investigated accordingly. Due to locations of the sites and the wind direction, the likelihood of a cumulative impact is low.

Comments have been raised about other sites in the locality which are considered to be well run, but can still cause odour issues. And that if those sites cannot control odours then how can this operator?

**How this has been considered:**

The regulation of other sites is outside this determination, and whilst we accept that intensive farming has the potential to cause odour we are satisfied that well run facilities do not. If this site operates in accordance with the permit, odour will not be an issue.

### 4) Noise

**How this has been considered:** (See key issues section on Noise)

We consider that the noise management plan contains the necessary measures to minimise the impact of noise outside the installation boundary. This is supported by comments from Environmental Health, North Warwickshire Borough Council who agree the proposals should not have any adverse (noise) impact on nearby properties.

### 5) Proximity to local residents

**How this has been considered:**

There is no minimum distance criteria against which an environmental permit cannot be granted. The Operator has to satisfy us that all pollution control and

mitigation measures are in place so as not to cause pollution outside of the site boundary. For intensive farms where there are receptors within 400m of the site boundary a site specific odour management plan, and site specific noise management plan have to be submitted by the Applicant and approved by the Environment Agency before a permit can be granted.

The Applicant has submitted these management plans which have been subsequently approved.

6) Operator Competence, previous track record in waste management industry

**How this has been considered:** (See key issues section on Operator Competence)

We take relevant convictions of an Applicant into account and any previous history of operating permitted sites. In this instance and in accordance with the legislation and our guidance, any relevant convictions held by this applicant are considered to be spent, having passed the appropriate timescale, and therefore are no longer 'relevant' for the purposes of this permit application. The Operator does manage a waste management site and is operating under the terms of the permit. The operator would have to employ staff who are trained and experienced in poultry rearing to operate this site in accordance with the requirements of the permit.

7) Timings for clean down and removal of birds

**How this has been considered:**

The Operator has stated that they will operate during daylight hours, being between 07:00 and 23:00 as outlined in EPR6.09. This is incorporated into table S1.2 as referenced in condition 2.3.1 and becomes a requirement of the permit. Any activity outside of these hours will then be a breach of the permit.

Animal movements are stated to take place during daylight hours, see Noise section of key issues.

8) Welfare of birds if there is an interruption in the electricity supply.

**How this has been considered:**

The operator has changed their original proposal, and will now have a generator permanently available on site to provide back up power. The location of the generator and associated equipment have been identified on an updated site plan. An acoustic barrier will be installed around the generator to minimise noise emissions, should the generator be operational.

9) Lack of trust in regulators based on experiences from different local operations.

**How this has been considered:**

Each permitted site is dealt with by a local Environment Officer who works with the Operator to address any environmental issues that arise. If an incident has taken

place, a permit condition has not been met, or legislation is not complied with then the Officer will normally try to resolve the issues and get the best outcome by providing advice and guidance to the Operator. An alternative option is to use one or more of the various enforcement powers at our disposal to take enforcement action; powers which include prosecution, civil sanctions, or revocation of a permit.

If the breach of the permit is significant, the EA can go straight to the prosecution or revocation stage.

The nature of the enforcement action is site specific, depends on the type of incident and the preparedness of the operator to address the issues. One site cannot be compared to another site in this regard.

The nearby plant is an old facility predating current legislation and guidance; we recognise that it is more difficult to apply the latest pollution control measures to an old plant.

This poultry unit will be a purpose built plant constructed in line with the most recent legislation, current guidance and Best Available Techniques. The potential sources of odour and noise pollution have already been identified and measures will be put in place to minimise pollution beyond the installation boundary. The operation of a poultry unit is well understood, and it is unlikely that there would be any source of pollution that has not already been identified and mitigated against.

This permit would not be granted if we did not consider that the operator could comply with the permit conditions and operate the site without causing pollution.

#### 10) Localised flooding, heavy rain event and attenuation pond capacity

**How this has been considered:** (See key issues section on Water and land pollution)

Several comments have been received stating that this area can flood, although it is not identified as an EA designated flood zone. Reports suggest that the river water can flow across the road and links back to the River Anker via local watercourses.

The capacity of the reception pit is 15.2 m<sup>3</sup>, level monitors and visual checks will alert the operator when it reaches capacity and it will be emptied as necessary.

The capacity of the attenuation pond is 145 m<sup>3</sup>, with releases to the ditch controlled by hydraulic brake. Kerbing around the hardstanding will direct surface water to the drainage system containing it within the installation boundary.

The Applicant has identified the risks of heavy rainfall and flooding and has covered this in their Accident Management Plan; the techniques described in the Key issues section will be used to control water levels during heavy rainfall or flooding.

#### 11) Impact on habitats, location of Great Crested Newts

**How this has been considered:** (See key issues section on Habitats)

The potential impacts on European Statutory sites (SSSI / SAC) have been considered and determined to be not significant, nor likely to cause damage.

If great crested newts are shown to be present, the Planning Authority will take this into consideration during the assessment of the planning application in consultation with the Environment Agency. We have no data to show that there are great crested newts at this location. The site is currently described as for equine use, green field, with no water features within the site boundary. If there were found to be great crested newts on the site the Applicant would have to apply for a licence to remove them prior to commencing any works.

#### 12) outdoor storage of waste

**How this has been considered:**

There will be no outdoor storage of waste. We are satisfied that the operator will manage the transport of waste from the site so that outside storage will not be necessary.

#### 13) Flies / Pests

**How this has been considered:** (see key issues section on Pests)

The fly (pest) management plan has detailed the control measures to minimise nuisance from flies. We are satisfied that with good housekeeping practices and by following the measures described in the plan, that fly nuisance will be minimised.

#### 14) Future expansion of the site

**How this has been considered:**

This application has been assessed on its own merits based on the information provided, and on the basis that 40,001 broilers can be housed and managed appropriately. We cannot determine this application in anticipation of what the Operator may choose to do in the future with regards to expanding the operation and increasing the number of broiler places.

Any intention to increase the number of broiler places will require a variation to the permit. Any variation application would be considered on its own merits and determined in accordance with our usual procedures.

The Operator would have to demonstrate that they were technically and financially competent to manage a larger plant and comply with the permit conditions.

#### 15) Impact on local heritage sites

**How this has been considered:**

Concerns have been raised on the impact of the broiler unit on local heritage sites, i.e. the Roman settlement and camps to the north of the unit (300m). There will be no direct pathway for pollution from the unit to these heritage sites. Section 7 of the Environment Act 1995 (pursuit of conservation interests), requires us to consider whether we should impose any additional or different requirements for the heritage site, but we are satisfied that the measures proposed for protecting the environment and human health will also ensure there is no adverse effect on the heritage site.

#### 16) The broiler housing techniques

**How this has been considered:**

Comments were submitted in relation to;

- i) the fan ventilation system, and referred to a ventilation tunnel system as an alternative.
- ii) the flooring system being of raised netting in favour of deep bed.

Housing design and standards for intensive farms are set out in the Reference document on Best Available Techniques (BREF) published by the European IPPC

Bureau. This is reproduced in our guidance EPR 6.09, Appendix 3, section A3.2 for broilers.

The options are either a naturally ventilated house with fully littered floor, or a well-insulated fan ventilated house with a fully littered floor (both options include non-leaking drinking systems). The Operator has opted for the well-insulated fan ventilated house with a fully litter floor, which meets the measures included in the BREF. Raised flooring is a deep litter system that can be used for egg layers, but neither tunnel ventilation nor raised net flooring are referred to in the BREF for broilers, and we are satisfied that the most appropriate design of housing ventilation and flooring have been chosen.

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