

# Permitting decisions

## Bespoke permit

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We have decided to grant the permit for Lower Addington Farm and Middle Addington Farm Free Range Poultry Units operated by W A Agriculture Limited.

The permit number is EPR/QP3436DQ.

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 provides a record of the decision making process. It summarises the decision making process in the decision checklist to show how all relevant factors have been taken into account. This decision document provides a record of the decision making process. It:

- highlights [key issues](#) in the determination
- summarises the decision making process in the [decision checklist](#) to show how all relevant factors have been taken into account
- shows how we have considered the [consultation responses](#).

Unless the decision document specifies otherwise we have accepted the applicant's proposals. Read the permitting decisions in conjunction with the environmental permit. The introductory note summarises what the permit covers.

## Key issues of the decision

Lower Addington Farm and Middle Addington Farm Free Range Poultry Units are situated in a predominantly rural location. These are green field free range sites with upto 32,000 places each for a multi-tiered aviary system free range laying hens at each site (two poultry houses per farm, up to 16,000 hens per house, a total of up to 64,000 places at the installation).

A total of 16Ha has been fenced off for use by the hens and each cycle lasts for about one year. The poultry houses are ventilated using side inlets and roof ridge fan extraction with gable end fans for use in hot weather. Roof and uncontaminated yard drainage goes into either soakaways or French drains. Manure removal is by manure belts at least twice a week which is removed off site by a third party.

Outside each poultry house is a raised concrete veranda area which leads into the paddock areas. Each farm has separate paddock areas for each hen colony which are further split allowing the hens and the grass to be rotated every 6 to 8 weeks. Beyond the paddocks are the ranges which have been planted with coniferous trees to provide cover and shelter all year round. Purpose built dust baths (sand) and foraging areas have been created and are mobile to allow movement around the range area.

Lightly contaminated runoff from hardstanding at Middle Addington Farm goes directly to the soil surface. From the rooves it is discharged into a stream to the east and a culvert to the south-west of the farm via French drains. This is not BAT and needs addressing. As these are existing sites coming under regulation, an improvement condition has been set within the permit to address the concerns over the surface water discharges from the farms. There are currently no swales to attenuate the surface and roof runoff waters but space is available to construct these or additional soakaways at the sites.

### 1) Permit Changes implemented due to the publication of the Intensive Farming BReF, 2017

The new Best Available Techniques (BAT) Reference Document (BReF) for the Intensive Rearing of Poultry or Pigs (IRPP) was published on the 21 February 2017. There is now a separate BAT Conclusions document which will set out the standards that permitted farms will have to meet. Now that the BAT Conclusions are published, all new installation farming permits issued after the 21 February 2017 must be compliant in full from the first day of operation.

There are some new requirements for permit holders. The conclusions include BAT Associated Emission Levels (BAT-AELs) for ammonia which will apply to the majority of permits as well as BAT associated levels for nitrogen and phosphorous excretion. For some types of rearing practices stricter standards will apply to farms and housing permitted after the new BAT Conclusions are published. There are 33 BAT conclusion measures in total within the BAT Conclusions document dated 21 February 2017.

A BAT-AEL provides us with a performance benchmark to determine whether an activity is BAT. The following is a more specific review of the measures the Applicant has applied to ensure compliance with the above key BAT measures.

BAT Measure	Applicant Compliance Measure
BAT 3 – nutritional management for nitrogen excretion.	BAT-AEL for laying hens (aviary system) 0.40 to 0.80kgN/animal place/yr.
BAT 4 - nutritional management for phosphorous excretion.	BAT-AEL for laying hens (aviary system) 0.10 to 0.45kgP/animal place/yr.
BAT 24 – monitoring of emissions and process parameters for total nitrogen and phosphorous excreted.	Table S3.3: Process monitoring. This table requires the operator to undertake relevant monitoring that complies with these BAT Conclusions.
BAT 25 - monitoring of emissions and process parameters for ammonia emissions.	
BAT 27 - monitoring of emissions and process parameters for dust emissions.	
BAT 31 – ammonia emissions from poultry houses for laying hens.	BAT-AEL for laying hens (aviary system) is 0.13kgNH <sub>3</sub> /animal place/yr.

A BAT-AEL provides us with a performance benchmark to determine whether an activity is BAT. The new BAT Conclusions include a set of BAT-AELs for ammonia emissions to air from animal housing for laying hens and therefore an ammonia emission limit value has been included within the permit. Some of the ammonia BAT-AELs allow a higher value for existing plant. 'New plant' is defined as plant first permitted at the site of the farm following the publication of the BAT conclusions. 'Existing plant' is defined in the BREF as any plant that is not a 'new plant'. All new bespoke applications issued after the 21 February, including those where there is a mixture of old and new housing, will now need to meet the BAT-AEL.

With regards to specific BAT measures that the Applicant has to ensure compliance with, BAT 27 (monitoring of dust emissions and process parameters) will be required. The requirements are given in Table S3.3 - process monitoring requirements – and the operator is required to undertake relevant monitoring that complies with these BAT conclusions.

We sent out a Schedule 5 Notice requiring the Applicant to confirm that the installation complies in full with all the BAT conclusion measures. The Applicant has confirmed their compliance with the BAT conditions for the new housing in their Schedule 5 Notice response dated 06 July 2017.

The changes have been incorporated within the permit template for application EPR/QP3436DQ/A001, the main alterations to the permit are as follows but are not limited to:

- Sections 1.1, 1.2, 1.3, 1.4, 2.1, 2.3, 3.2 and 4.2
- Schedules 3 and 4.

## **2) Ammonia Impacts**

There are three Special Areas for Conservation (SAC) within 7.0km, three Special Protection Areas (SPA) within 7.5km, two Ramsar Sites within 7.5km, six Sites of Special Scientific Interest (SSSI) within 5.4km, 22 Local Wildlife Sites (LWS) within 2.7km and ten Ancient Woodlands (AW) within 2.7km of the facility.

### Assessment of SAC, SPA and 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. Initial screening using the Ammonia Screening Tool assessment spreadsheet v4.5 (AST) has indicated that Morecambe Bay SAC, Calf Hill and Cragg Woods SAC, Morecambe Bay Pavements SAC, Morecambe Bay SPA, Leighton Moss SPA, Bowland Falls SPA, Morecambe Bay Ramsar and Leighton Moss Ramsar all screen out at CLe 1 due to their distance from the site. Therefore, it is possible to conclude that there is not a potential risk of damage at the sites from this installation and no further action is required.

### Assessment of SSSI

If the PC is below 20% of the relevant CLe or CLo then the farm can be permitted with no further assessment. Initial screening using the AST spreadsheet v4.5 has indicated that Artle Dale, Burton Wood, Warton Cragg, Morecambe Bay, Crag Bank and Thwaite House Moss SSSIs all screen out at CLe 1 due to their distance from the site. Therefore, it is possible to conclude that there is not a potential risk of damage at the sites from this installation and no further action is required.

### Assessment of LWS and AW:

The following trigger thresholds have been applied for the assessment of non-statutory LWS and AW:

- If PC is <100% of relevant CLe or CLo then the farm can be permitted (H1 or ammonia screening tool)
- If PEC < CLe or CLo then the farm can be permitted
- If further modelling shows PC <100%, then the farm can be permitted.

Initial screening using the AST spreadsheet v4.5 has indicated that Overhead Quarry, Lord's Lot Bog and Adjoining Woodland, Dunald Mill Craggs, Long Dales Lane Fields, Hawthorns Rocks, Long Riddings Wood, Leaper's Wood, Bowman Stout Wood and Slack's Wood, Kellet Road Verges, River Lune, Dunald Mill Hole, Kit Bill Wood, Helks Wood, Helks Wood Farm Pasture, Limestone Pavement and Craggs, South of Cock's Wood, Cock's Wood, Swantley, Intack Wood, Over Kellet Pond, Over Kellet Craggs, Applehouse Wood, Walks Wood, Cole Wood and Sidebank Wood, Great Close Wood and Snab Beck Wood and Crow Wood LWSs as well as Kellet Park Wood, three 'Unknown' Woods, Burton Woods, Kit Bill Wood, Leapers/Slacks Woods, Kellet Park Wood, Cole Woods and Great Close Wood AWs all screen out at CLe 1 due to distance. Therefore, it is possible to conclude no damage and that no further assessment is necessary.

## Decision checklist

Aspect considered	Decision
<b>Receipt of application</b>	
Confidential information	A claim for commercial or industrial confidentiality has not been made.
Identifying confidential information	We have not identified any information provided as part of the application that we consider to be confidential.
<b>Consultation</b>	
Consultation	<p>The consultation requirements were identified in accordance with the Environmental Permitting Regulations and our public participation statement. The application was publicised on the GOV.UK website. We consulted the following organisations:</p> <ul style="list-style-type: none"> <li>➤ Local Authority (Environmental Health and Planning)</li> <li>➤ Health and Safety Executive.</li> </ul> <p>The comments and our responses are summarised in the consultation responses section.</p>
<b>Operator</b>	
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 our guidance on legal operator for environmental permits.
<b>The facility</b>	
The regulated facility	We considered the extent and nature of the facility at the site in accordance with RGN2 'Understanding the meaning of regulated facility', Appendix 2 of RGN 2 'Defining the scope of the installation', Appendix 1 of RGN 2 'Interpretation of Schedule 1', guidance on waste recovery plans and permits. The extent of the facility is defined in the site plan and in the permit. The activities are defined in table S1.1 of the permit.
<b>The site</b>	
Extent of the site of the facility	The operator has provided plans which we consider are satisfactory, showing the extent of the site of the facility. Site plans are included in the permit.
Site condition report	<p>The operator has provided a description of the condition of the site, which we consider is satisfactory. The decision was taken in accordance with our guidance on site condition reports.</p> <p>The site condition report (SCR) for Lower Addington Farm and Middle Addington Farm (dated 22 February 2017) demonstrates that there are no significant hazards or likely pathways to land or groundwater and no historic contamination sources on site that may present a significant risk.</p> <p>Therefore, on the basis of the assessment presented in the SCR the</p>

Aspect considered	Decision
	Environment Agency accepts that no baseline reference data needs to be provided for the site soil and groundwater conditions as part of application EPR/QP3436DQ/A001.
Biodiversity, heritage, landscape and nature conservation	<p>The application is within the relevant distance criteria of several sites of nature conservation. We have assessed the application and its potential to affect all known sites of nature conservation identified in the nature conservation screening report as part of the permitting process.</p> <p>We consider that the application will not affect any of the sites of nature conservation identified for the reasons outlined in the <a href="#">key issues</a> section. We have not consulted Natural England on the application. The decision was taken in accordance with our guidance.</p> <p>In accordance with our guidance, as there are statutory sites within 10km of the installation, we are required to complete an Appendix 11 Habitats Directive Assessment for the Special Areas for Conservation, Special Protection Areas and Ramsar Sites, and an Appendix 4 CRoW Act Assessment for the Sites of Special Scientific Interest. The Appendix 11 and Appendix 4 were completed for auditing purposes on 25 May 2017 and are recorded for information only on the public register.</p>
<b>Environmental risk assessment</b>	
Environmental risk	We have reviewed the operator's assessment of the environmental risk from the facility. The operator's risk assessment is satisfactory.
<b>Operating techniques</b>	
General operating techniques	We have reviewed the techniques used by the operator and compared these with the relevant guidance notes and we consider them to represent appropriate techniques for the facility. The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.
Operating techniques for emissions that screen out as insignificant	Emissions of ammonia to air have been screened out as insignificant and so we agree that the applicant's proposed techniques are BAT for the installation. We consider that the emission limits included in the installation permit reflect the BAT for the sector.
Odour management	<p>Intensive farming is by its nature a potentially odorous activity. This is recognised in the Environment Agency 'How to Comply with your Environmental Permit for Intensive Farming - EPR 6.09' Guidance. Under Section 3.3 of the Guidance an Odour Management Plan (OMP) is required to be approved as part of the permitting process if sensitive receptors are within 400m of the installation boundary to prevent or to minimise the risk of pollution from odour emissions. The definition of sensitive receptor excludes properties associated with the farm.</p> <p>The Operator has provided an OMP as part of the application supporting documentation. We have reviewed the OMP in accordance with our guidance on odour management. We consider that the OMP is satisfactory.</p>
Noise management	Intensive farming by its nature involves activities that have the potential to cause noise pollution. This is recognised in the Environment Agency 'How to Comply with your Environmental Permit for Intensive Farming - EPR 6.09'

Aspect considered	Decision
	<p>Guidance. Under Section 3.4 of the Guidance a Noise Management Plan (NMP) is required to be approved as part of the permitting process if sensitive receptors are within 400m of the installation boundary to prevent or to minimise the risk of pollution from noise emissions. The definition of sensitive receptor excludes properties associated with the farm.</p> <p>The Operator has provided a NMP as part of the application supporting documentation. We have reviewed the NMP in accordance with our guidance on noise assessment and control. We consider that the NMP is satisfactory.</p>
<b>Permit conditions</b>	
Improvement programme	<p>Based on the information on the application, we consider that we need to impose an improvement programme as Lower Addington Farm and Middle Addington Farm are existing sites (previously under threshold) now coming under regulation. We have imposed improvement conditions to ensure that there is a review at both of the farm sites' of the existing:</p> <ul style="list-style-type: none"> <li>➤ site drainage</li> <li>➤ poultry house management and practices.</li> </ul>
Emission limits	<p>Emission limits have been added as a result of the recently published BAT Conclusions. BAT-AELs based on BAT have been set in the permit for ammonia.</p>
Monitoring	<p>With the publication of the IRPP BAT Conclusion Document, we have included monitoring for the parameters listed in the permit, using the methods detailed and to the frequencies specified. These monitoring requirements have been added in order to comply with the IRPP BAT Conclusion Document and are not related to any perceived issues with the operation of the installation.</p>
Reporting	<p>With the publication of the IRPP BAT Conclusion Document, we have specified reporting in the permit. These reporting requirements have been added in order to comply with the IRPP BAT Conclusion Document and are not related to any perceived issues with the operation of the installation.</p>
<b>Operator competence</b>	
Management system	<p>There is no known reason to consider that the operator will not have the management system to enable it to comply with the permit conditions. The decision was taken in accordance with the guidance on operator competence and how to develop a management system for environmental permits.</p>
Relevant convictions	<p>The Case Management System and National Enforcement Database have been checked to ensure that all relevant convictions have been declared. No relevant convictions were found. The operator satisfies the criteria in our guidance on operator competence.</p>
Financial competence	<p>There is no known reason to consider that the operator will not be financially able to comply with the permit conditions.</p>

Aspect considered	Decision
<b>Growth Duty</b>	
Section 108 Deregulation Act 2015 – Growth duty	<p>We have considered our duty to have regard to the desirability of promoting economic growth set out in section 108(1) of the Deregulation Act 2015 and the guidance issued under section 110 of that Act in deciding whether to grant this permit. Paragraph 1.3 of the guidance says:</p> <p>“The primary role of regulators, in delivering regulation, is to achieve the regulatory outcomes for which they are responsible. For a number of regulators, these regulatory outcomes include an explicit reference to development or growth. The growth duty establishes economic growth as a factor that all specified regulators should have regard to, alongside the delivery of the protections set out in the relevant legislation”.</p> <p>We have addressed the legislative requirements and environmental standards to be set for this operation in the body of the decision document above. The guidance is clear at paragraph 1.5 that the growth duty does not legitimise non-compliance and its purpose is not to achieve or pursue economic growth at the expense of necessary protections.</p> <p>We consider the requirements and standards we have set in this permit are reasonable and necessary to avoid a risk of an unacceptable level of pollution. This also promotes growth amongst legitimate operators because the standards applied to the operator are consistent across businesses in this sector and have been set to achieve the required legislative standards.</p>

## Consultation

The following summarises the responses to consultation with other organisations, our notice on GOV.UK for the public and the way in which we have considered these in the determination process.

### Responses from organisations listed in the consultation section

<b>Response received from:</b> Lancaster City Council: Development Management Team, 19 July 2017.
<b>Brief summary of issues raised</b>
There are no comments to make on the application. However, we were requested to notify of enforcement action associated with this development. The poultry sheds that are the subject of this application have been granted planning consents under 09/00554/FUL and 14/00492/FUL. There are still outstanding matters relating to the compliance of planning conditions attached to the 2009 consent which are being pursued by the Council's Planning Enforcement Officers. These matters relate to landscaping. They are monitoring the 2014 consent to ensure that it is built out in accordance with the approved plans and details
<b>Summary of actions taken or show how this has been covered</b>
Landscaping requirements are purely a planning issue and do not come under the remit of the environmental permitting regime under the Environmental Permitting Regulations 2016.

The Local Authority Planning Department and Environmental Health Department as well as the Health and Safety Executive were also consulted on this application. However, consultation responses from them were not received.

The application was advertised externally on the GOV.UK website between 11 July 2017 and 08 August 2017 to invite any responses and comments from the general public. No responses were received.