

# Permitting decisions

## Variation

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We have decided to grant the variation for **Bradeley Farm Poultry Unit** operated by **Mr Peter Clifton**

The variation number is **EPR/VP3530AE/V003**

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 in to account.

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- 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 and the variation notice. The introductory note summarises what the variation covers.

## Key issues of the decision

### Compliance with specific Ammonia BAT Associated Emission Levels as specified in new Intensive Farming Sector BAT conclusions document dated 21<sup>st</sup> February 2017

#### Ammonia emission controls

A BAT Associated Emission Level (AEL) provides us with a performance benchmark to determine whether an activity is BAT

#### **Ammonia emission controls - BAT conclusions 30 - 32.**

A BAT Associated Emission Level (AEL) provides us with a performance benchmark to determine whether an activity is BAT. The new BAT conclusions include three sets of BAT-AELs for ammonia emissions to air from animal housing. One set covers pigs, another laying hens and the other broilers

*The broiler standard emission factor of 0.034 is in compliance with the BAT AEL for ammonia emissions for broilers of 0.08 where there is no ammonia abatement as is the case here, as defined in BAT conclusion 32 Table 3.2.*

#### Conclusion

*For this installation the new and existing broiler houses comply with BAT AEL for ammonia emissions.*

## 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.

- This permit implements the requirements of the European Union Directive on Industrial Emissions.

## Groundwater and soil monitoring

As a result of the requirements of the Industrial Emissions Directive, all permits are now required to contain a condition relating to protection of soil, groundwater and groundwater monitoring. However, the Environment Agency's H5 Guidance states **that it is only necessary for the operator to take samples** of soil or groundwater and measure levels of contamination where there is evidence that there is, or could be existing contamination and:

The environmental risk assessment has identified that the same contaminants are a particular hazard; or

The environmental risk assessment has identified that the same contaminants are a hazard and the risk assessment has identified a possible pathway to land or groundwater.

H5 Guidance further states that it is **not essential for the Operator** to take samples of soil or groundwater and measure levels of contamination where:

- The environmental risk assessment identifies no hazards to land or groundwater; or
- Where the environmental risk assessment identifies only limited hazards to land and groundwater and there is no reason to believe that there could be historic contamination by those substances that present the hazard; or
- Where the environmental risk assessment identifies hazards to land and groundwater but there is evidence that there is no historic contamination by those substances that pose the hazard.

The site condition report (SCR) for Bradeley Farm Poultry Unit (updated version with variation changes dated 14/07/07) 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. This site condition report includes additional land applied for within variation EPR/KP3133UJ/V003 for the two new broiler houses. **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

Intensive farming is by its nature a potentially odorous activity. This is recognised in our 'How to Comply with your Environmental Permit for Intensive Farming' EPR 6.09 guidance ([http://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/297084/geho0110brsb-e-e.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/297084/geho0110brsb-e-e.pdf)).

Condition 3.3.1 of the environmental permit reads as follows:

"Emissions from the activities shall be free from odour at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Environment Agency, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved odour management plan, to prevent or where that is not practicable to minimise the odour."

Under section 3.3 of the guidance an Odour Management Plan is required to be approved as part of the permitting process, if sensitive receptors (sensitive receptors in this instance excludes properties associated with the farm) are within 400m of the Installation boundary.

For this installation there are no sensitive receptors within 400 metres of the installation and therefore an Odour Management Plan is not required. Nonetheless the operator has resubmitted an updated Odour Management Plan dated 14/07/17.

The main change is confirmation of the distances from the installation boundary to nearest receptor. Even with the changes to the installation boundary the nearest relevant sensitive receptor is over 450 metres from the installation boundary.

### Odour assessment

As part of the Operator's local council planning submission Environmental impact assessment, an odour assessment and impact modelling was carried out and the report is dated February 2017

The modelling compared installation odour impacts on 24 local sensitive receptors relative to the Environment Agency H4 guidance odour benchmark of 3 oue/m<sup>3</sup>

All the modelled impacts at these receptors were below this benchmark; in fact all were less than 2 oue/m<sup>3</sup>.

As such we conclude that odour impacts from this installation are considered not significant.

## Noise

Intensive farming by its nature involves activities that have the potential to cause noise pollution. This is recognised in our 'How to Comply with your Environmental Permit for Intensive Farming' EPR 6.09 guidance. Under section 3.4 of this guidance a Noise Management Plan (NMP) must be approved as part of the permitting determination, if there are sensitive receptors within 400m of the Installation boundary.

Condition 3.4.1 of the Permit reads as follows:

Emissions from the activities shall be free from noise and vibration at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Environment Agency, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved noise and vibration management plan, to prevent or where that is not practicable to minimise the noise and vibration.

There are no sensitive receptors within 400 metres of the Installation boundary and therefore a Noise Management Plan is not required. Nonetheless the operator has resubmitted an updated Noise Management Plan dated 14/07/17.

The main change is confirmation of the distances from the installation boundary to nearest receptor. Even with the changes to the installation boundary the nearest relevant sensitive receptor is over 450 metres from the installation boundary.

### Noise assessment

As part of the Operator's local council planning submission Environmental impact assessment, a noise assessment and impact modelling was carried out and the report is dated March 2017

The BS4142:2014 assessment has found that:

- The low rating levels relative to the measured background sound levels indicate that the addition of two new broiler houses would not have an adverse noise impact at the receptors assessed.
- On the reasonable assumption that when operating in conjunction with the two existing sheds the specific sound levels would be 3dB (A) higher, the rating levels would still be well below the background sound level.

*Hence overall we consider the noise impacts of the installation on local receptors to be insignificant.*

## Ammonia

### Introduction

There are no European/Ramsar sites within 10 km screening distance of the installation boundary. There is one Site of Special Scientific Interest (SSSI) within 5 km screening distance and two Other Conservation Sites within 2km screening distance.

Based on our ammonia screening tool assessment (version 4.5) all the habitat sites screen out and no further assessment is required.

### Ammonia assessment – SSSI

There is one SSSI within 5km of the installation boundary.

The following trigger thresholds have been applied for assessment of SSSIs:

- If the process contribution (PC) is below 20% of the relevant critical level (CLe) or critical load (CLo) then the farm can be permitted with no further assessment.
- Where this threshold is exceeded an assessment alone and in combination is required. An in combination assessment will be completed to establish the combined PC for all existing farms identified within 5 km of the SSSI.

Initial screening using ammonia screening tool version 4.5 dated 01/03/17 has indicated that emissions from this installation will only have a potential impact on the Hodnet Heath SSSI with a precautionary critical level of  $1\mu\text{g}/\text{m}^3$  if they are within **1,381 metres** of the emission source.

Beyond this distance the PC is insignificant. In this case the SSSI is beyond this distance (see table below) and therefore screens out of any further assessment. The table 1 below gives the details of the SSSI assessment.

**Table 1 – SSSI Assessment**

Name of SSSI	Distance from site (m)
Hodnet Heath SSSI	3656

The installation impacts on this SSSI Site therefore screens out as insignificant and no further assessment is needed.

### Ammonia assessment - LWS/AW/LNR

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 (CLe) or critical load (CLo) then the farm can be permitted with no further assessment.

There are two other conservations sites within 2km of the installation boundary.

Initial screening using ammonia screening tool version 4.5 dated 01/03/17 has indicated that emissions from this installation will only have a potential impact on Peplow Hall Heronry and Hungry Hatton with a precautionary critical level of  $1\mu\text{g}/\text{m}^3$  if they are within **499 metres** of the emission source.

Beyond this distance the PC is insignificant. In this case the LWS are beyond this distance (see table below) and therefore screen out of any further assessment. The table 2 below gives the details of the LWS assessment.

**Table 2 – LWS/AW/LNR Assessment**

Name of LWS/AW/LNR	Distance from site (m)
Peplow Hall Heronry- Local Wildlife Site	2,090
Hungry Hatton - Local Wildlife Site	2,040

The installation impacts on this Local Wildlife Site therefore screen out as insignificant and no further assessment is needed.

## 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 information provided as part of the application that we consider to be confidential.
<b>Consultation/Engagement</b>	
Consultation	<p>The consultation requirements were identified in accordance with the Environmental Permitting Regulations and our public participation statement.</p> <p>The application was publicised on the GOV.UK website.</p> <p>We consulted the following organisations:</p> <ul style="list-style-type: none"> <li>• HSE</li> <li>• Shropshire Council Environmental Health Department</li> </ul> <p>The closest relevant sensitive receptor for dust and bio aerosols impacts is greater than 100 metres from the installation boundary; therefore there is no requirement for consultation with Public Health England/Director of Public Health.</p> <p>The comments and our responses are summarised in the <a href="#">consultation section</a>.</p>
<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 including the location of the two new broiler houses. This has led to an extension to the installation boundary.
Site Condition report	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 and baseline reporting under the Industrial Emissions Directive.
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>We have assessed the application and its potential to affect all known sites of nature conservation, landscape and heritage and/or protected species or habitats identified in the nature conservation screening report as part of the permitting process.</p> <p>We consider that the application will not affect any sites of nature conservation, landscape and heritage, and/or protected species or habitats identified.</p> <p>There are no European /Ramsar Sites within 10 km screening distance of the installation. We have not consulted Natural England on the application. The decision was taken in accordance with our guidance.</p>

Aspect considered	Decision
<b>Environmental risk assessment</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>
Environmental impact assessment	<p>In determining the application we have considered the Environmental Statement.</p> <p>The planning submission Environmental impact assessment documents considered are as per link below.</p> <p>The planning application has been submitted but not yet formally granted.</p> <p><a href="https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?keyVal=OOKFE9TDL4T00&amp;activeTab=summary">https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?keyVal=OOKFE9TDL4T00&amp;activeTab=summary</a></p>
<b>Operating techniques</b>	
General operating techniques	<p>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.</p> <p>The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.</p>
<b>Permit conditions</b>	
Updating permit conditions during consolidation	<p>We have updated permit conditions to those in the current generic permit template as part of permit consolidation. The conditions will provide the same level of protection as those in the previous permit(s).</p>
Emission limits	<p>No emission limits have been added, amended or deleted as a result of this variation.</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.</p>
<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.</p> <p>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</p>

Aspect considered	Decision
	<p>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. The consultation and public advertising ran from 18/07/17 to 15/08/17.

**No responses from organisations listed in the consultation section.**