

Permitting decisions

Variation

We have decided to grant the variation for Corfton Farm operated by Corfton Farms Ltd.

The variation number is EPR/SP3833EM/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:

- 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

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 Corfton Farm (dated 20/6/17) 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

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)

Condition 3.3 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 (OMP) is required to be approved as part of the permitting process, if as is the case here, sensitive receptors (sensitive receptors in this instance excludes properties associated with the farm) are within 400m of the installation boundary. It is appropriate to require an OMP when such sensitive receptors have been identified within 400m of the installation to prevent, or where that is not practicable, to minimise the risk of pollution from odour emissions.

We, the Environment Agency, have reviewed and approved the Odour Management Plan (OMP) and consider it complies with the requirements of our H4 Odour management guidance note. We agree with the scope and suitability of key measures, but this should not be taken as confirmation that the details of equipment specification design, operation and maintenance are suitable and sufficient. That remains the responsibility of the operator.

The OMP should be reviewed on a regular basis to ensure that it reflects the most up to date management practices and infrastructure.

Noise

Noise impact modelling review

The operator has identified the potential risk of noise emissions from the installation, taking into account the two proposed poultry houses and proposed increase in bird numbers to 350,000 broilers, and carried out a noise impact assessment following BS 4142:2014 methodology. We have audited the operator's assessment and have been able to screen it out as a low risk site. Based on this we do not think that any further work is required when considering the impact at receptors nearby to Corfton Farm.

As there are sensitive receptors within 400 metres of the installation boundary, the operator has provided a noise management plan (NMP) as part of the application supporting documentation.

We have assessed the NMP and the H1 risk assessment for noise and conclude that the applicant has followed the guidance set out in EPR 6.09 Appendix 5 'Noise management at intensive livestock installations'. We are satisfied that all sources and receptors have been identified, and that the proposed mitigation measures will minimise the risk of noise pollution / nuisance.

The NMP should be reviewed on a regular basis to ensure that it reflects the most up to date management practices and infrastructure.

Dust and Bio aerosols

The use of Best Available Techniques and good practice will ensure minimisation of emissions. There are measures included within the permit (the 'Fugitive Emissions' conditions) to provide a level of protection. 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.

There are 3 sensitive receptors within 100 metres of the installation boundary, the nearest sensitive receptor (the nearest point of their assumed property boundary) is approximately 25 metres to the south-west of the installation boundary.

Guidance on our website concludes that applicants need to produce and submit a dust and bio aerosol risk assessment with their applications only if there are relevant receptors within 100 metres of their farm, e.g. the farmhouse or farm worker's houses. Details can be found via the link below:

www.gov.uk/guidance/intensive-farming-risk-assessment-for-your-environmental-permit#air-emissions-dust-and-bioaerosols.

As there are receptors within 100m of the installation, the applicant was required to submit a dust and bio aerosol risk assessment in this format.

In the guidance mentioned above it states that particulate concentrations fall off rapidly with distance from the emitting source. This fact, together with the proposed good management of the installation such as keeping areas clean from build-up of dust, and other measures in place to reduce dust and risk of spillages (e.g. litter and feed management/delivery procedures) all reduce the potential for emissions impacting the nearest receptors.

We are satisfied that the measures outlined in the application will minimise the potential for dust and bio aerosol emissions from the installation.

Ammonia emissions

There is 1 Special Area of Conservation (SAC) site located within 10 kilometres of the installation. There are 3 Sites of Special Scientific Interest (SSSI) located within 5 km of the installation. There are also 5 Local Wildlife Sites (LWS)/Ancient Woodlands (AW) within 2 km of the installation.

Ammonia assessment – SAC

The following trigger thresholds have been designated for the assessment of European sites:

- If the process contribution (PC) is below 4% of the relevant critical level (CL_e) or critical load (CL_o) 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 10 km of the SAC/SPA/Ramsar.

Initial screening using ammonia screening tool version 4.5 has indicated that emissions from Corfton Farm will only have a potential impact on the SAC site with a precautionary critical level of 1µg/m³ if they are within 6046 metres of the emission source.

Beyond 6046 metres the PC is less than 0.04µg/m³ (i.e. less than 4% of the precautionary 1µg/m³ critical level) and therefore beyond this distance the PC is insignificant. In this case the SAC is beyond this distance (see table below) and therefore screens out of any further assessment.

Where the precautionary level of 1µg/m³ is used, and the process contribution is assessed to be less than 4% the site automatically screens out as insignificant and no further assessment of critical load is necessary. In this case the 1µg/m³ level used has not been confirmed by Natural England, but it is precautionary. It is therefore possible to conclude no likely significant effect.

Table 1 – SAC Assessment

Name of SAC	Distance from site (m)
Downton Gorge	9,920

Ammonia assessment – SSSI

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 the ammonia screening tool version 4.5 has indicated that emissions from Corfton Farm will only have a potential impact on SSSI sites with a precautionary critical level of $1\mu\text{g}/\text{m}^3$ if they are within 2182 metres of the emission source.

Beyond 2182 metres the PC is less than $0.2\mu\text{g}/\text{m}^3$ (i.e. less than 20% of the precautionary $1\mu\text{g}/\text{m}^3$ critical level) and therefore beyond this distance the PC is insignificant. In this case all the SSSIs are beyond this distance (see table below) and therefore screen out of any further assessment.

Where the precautionary level of $1\mu\text{g}/\text{m}^3$ 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 $1\mu\text{g}/\text{m}^3$ 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 2 – SSSI Assessment

Name of SSSI	Distance from site (m)
Eaton Track	5,021
Wolverton Wood and Alcaston Coppice	2,442
Prince's Rough	2,229

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

Initial screening using ammonia screening tool version 4.5 has indicated that emissions from Corfton Farm will only have a potential impact on the LWS/AW sites with a precautionary critical level of $1\mu\text{g}/\text{m}^3$ if they are within 788 metres of the emission source.

Beyond 788 metres the PC is less than $1\mu\text{g}/\text{m}^3$ 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 3 – LWS/AW Assessment

Name of LWS/AW	Distance from site (m)
Hazeldine Coppice LWS	1,821
Seifton Batch LWS	941
Titterel Plantation LWS	1,004
East of Black Tree Coppice LWS	1,584
Hazeldine Coppices AW	1,396

New Intensive Rearing of Poultry or Pigs BAT Conclusions document

The new Best Available Techniques (BAT) Reference Document (BREF) for the Intensive Rearing of poultry or pigs (IRPP) was published on the 21st February 2017. There is now a separate BAT Conclusions document which will set out the standards that permitted farms will have to meet.

The BAT Conclusions document is as per the following link

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32017D0302&from=EN>

Ammonia emission controls – BAT conclusion 32.

The new BAT conclusions include a set of BAT-AEL's for ammonia emissions to air from animal housing for broilers.

The BAT AEL for broilers is 0.08 kg NH₃/animal place/year. For variations all new housing on existing farms will need to meet the BAT-AEL. Our standard broiler emission factor is 0.034 kg NH₃/animal place/year so we can comfortably agree that the proposed broiler housing will meet the BAT AEL.

The new BAT conditions/limits have not been included in the permit at this stage but will be added when the permit undergoes a permit review in the future.

Decision checklist

Aspect considered	Decision
Receipt of application	
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. The decision was taken in accordance with our guidance on confidentiality.
Consultation/Engagement	
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"> • Environment Protection - Shropshire Council • Health and Safety Executive • Public Health England • Director of Public Health – Shropshire Council <p>The comments and our responses are summarised in the consultation section.</p>
The facility	
The regulated facility	<p>We considered the extent and nature of the facility at the site in accordance with RGN2 'Understanding the meaning of regulated facility'.</p> <p>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.</p>
The site	
Extent of the site of the facility	The operator has provided a plan which we consider is satisfactory, showing the extent of the site of the facility. The plan is included in the permit.
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>

Aspect considered	Decision
	<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>A Stage 1 Habitats Regulations Assessment (HRAS 1) was completed and sent to Natural England on 06/07/17 'For Information Only'.</p>
Environmental risk assessment	
Environmental risk	<p>We have carried out an ammonia risk assessment on behalf of the operator.</p> <p>See Key Issues.</p>
Operating techniques	
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 are as follows:</p> <ul style="list-style-type: none"> • Housing design and management is in accordance with SGN EPR6.09 'How to comply with your environmental permit for intensive farming'; • The houses are naturally ventilated with a fully littered floor, well insulated and equipped with nipple and cup drinking systems. Ventilation is provided by roof mounted ridge fans with additional gable end fans for hot weather conditions; and • Drainage from animal housing and water from cleaning out is collected in underground storage tanks. Clean drainage systems are not contaminated. <p>The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.</p>
Odour management	<p>We have reviewed the odour management plan in accordance with our guidance on odour management.</p> <p>We consider that the odour management plan is satisfactory.</p> <p>See Key Issues.</p>
Noise management	<p>We have reviewed the noise management plan in accordance with our guidance on noise assessment and control.</p> <p>We consider that the noise management plan is satisfactory.</p> <p>A noise impact assessment was submitted as part of the application supporting documentation.</p> <p>See Key Issues.</p>
Permit conditions	
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.</p>

Aspect considered	Decision
Use of conditions other than those from the template	Based on the information in the application, we consider that we do not need to impose conditions other than those in our permit template.
Emission limits	No emission limits have been added, amended or deleted as a result of this variation.
Operator competence	
Management system	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.
Growth Duty	
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 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 and 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

Response received on 13/07/17 from
Shropshire Council, Environment Protection Team
Brief summary of issues raised
<p>The Environment Protection Team noted that no odour modelling had been carried out/ submitted with the application and recommended that the applicant provided a detailed assessment taking into account the cumulative impact of the permitted installation including biomass boilers.</p> <p>The Environment Protection Team raised a number of concerns in terms of the noise modelling report submitted with the application and also recommended that the operator should consider the location of the additional poultry houses more carefully taking into account nearby receptors.</p>
Summary of actions taken or show how this has been covered
<p>The operator has submitted an odour management plan (OMP), which has been reviewed and approved by the Environment Agency. It is considered that the OMP complies with the requirements of our H4 Odour management guidance note</p> <p>Standard condition 3.3.1 concerning odour is included in the permit.</p> <p>Noise modelling has been reviewed based on the proposed location of the poultry houses in this application. The likely impact of noise has been assessed as unlikely to have a significant impact and therefore we have included standard conditions which require the operator to action any emissions management plan should a substantiated negative impact be notified.</p> <p>Standard condition 3.4.1 concerning noise is included in the permit.</p>

Response received on 20/7/17 from
Public Health England (PHE)
Brief summary of issues raised
<p>Confirming that PHE has no significant concerns regarding risk to health of the local population from this proposed facility, providing that the applicant takes all appropriate measures to prevent or control pollution, in accordance with the relevant sector technical guidance or industry best practice. PHE recommend that any Environmental Permit issued for this site should contain conditions to ensure that potential emissions from noise, dust and odour do not impact upon public health.</p>
Summary of actions taken or show how this has been covered
<p>The operator has submitted a dust (including bio-aerosols) risk assessment, a noise management plan and an odour management plan, which have been reviewed and approved by the Environment Agency.</p> <p>Standard conditions 3.1.1, 3.2.1, 3.3.1 and 3.4.1 concerning fugitive emissions, odour and noise are included in the permit.</p>

The following organisations were consulted, however no responses were received:

- The Health and Safety Executive
- Director of Public Health – Shropshire Council

This proposal was also publicised on the Environment Agency's website between 12/07/17 and 09/08/17, but no representations were received during this period.