Permitting decisions

Bespoke permit

We have decided to grant the permit for **Green Farm** operated by **Mr Joe Stent.**

The permit number is **EPR/DP3833RS**

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.

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

Introduction

This is a new installation with three existing pig houses and one new pig house. The local council planning has been granted for the new house.

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

Now the BAT Conclusions are published all new installation farming permits issued after the 21st 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 for ammonia emissions 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.

New BAT conclusions review

There are 34 BAT conclusion measures in total within the BAT conclusion document dated 21st February 2017.

We have sent out a request for information dated 13/10/17 requiring the Applicant to confirm that the new installation complies in full with all the BAT conclusion measures.

The Applicant has confirmed their compliance with all BAT conditions for the new installation in their response dated 17/10/17.

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 Nitrogen excretion	Applicant has confirmed compliance with BAT via usage of the following measure in BAT 3 conclusion: Multiphase feeding with a diet formulation adapted to the specific requirements of the production period. The Applicant confirmed compliance with BAT AEL of **13** kg N excreted/animal place/year for production pigs, in their response dated 17/10/17.
BAT 4 Nutritional management Phosphorous excretion	Applicant has confirmed compliance with BAT via usage of the following measure in BAT 4 conclusion: Multiphase feeding with a diet formulation adapted to the specific requirements of the production period. The Applicant confirmed compliance with BAT AEL of **5.4 kg** P2O5 excreted/animal place/year for production pigs, in their response dated 17/10/17

BAT measure	Applicant compliance measure
BAT 24 Monitoring of emissions and process parameters - Total nitrogen and phosphorous excretion	Table S3.3 Process monitoring requires the operator to undertake relevant monitoring that complies with these BAT conclusions Estimation using manure analysis for total nitrogen and phosphorous content
BAT 25 Monitoring of emissions and process parameters - Ammonia emissions	Monitoring for ammonia emissions will be based on emission factors.
BAT 26 Monitoring of emissions and process parameters - Odour emissions	Daily site tours and sniff testing will be completed.
BAT 27 Monitoring of emissions and process parameters -Dust emissions	Table S3.4 Process monitoring requires the operator to undertake relevant monitoring that complies with these BAT conclusions Monitoring for ammonia emissions will be based on emission factors.
BAT 30 Ammonia emissions from pig houses	**5.65 kg** NH3/animal place/yr BAT AEL for production pigs with solid floor and straw systems. Our emission factor for such pigs and housing is 2.97 and hence in compliance with BAT AEL without the need for additional measures.

More detailed assessment of specific BAT measures

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 conclusion 30(pigs)

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

'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'. The key phrase is 'first permitted'.

All new bespoke applications issued after the 21st February, including those where there is a mixture of old and new housing, will now need to meet the BAT-AEL.

As per table above the NH3 BAT AEL is complied with for production pigs within this installation housed on solid floors with straw systems without the need for additional measures.

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 Green Farm (dated 27/06/17) 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 and although condition 3.1.3 is included in the permit no groundwater monitoring will be required.**

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.

The risk assessment for the Installation provided with the Application lists key potential risks of odour pollution beyond the Installation boundary. These activities are as follows:

There are 18 relevant sensitive receptors beyond the installation boundary within the 400 metre criteria. The closest relevant receptor is Common Farm which is the only relevant receptor within 100 metres of the installation boundary at National Grid Reference TM 37351 84360

Odour risk assessment within planning Environmental Impact Assessment (EIA) document

The planning submission includes the addition of only one pig house, as the others are existing. As such the odour assessment is the form of a generic assessment, not including odour modelling.

The following is a summary of this assessment

Key mitigation measures are included in section 10.6 of the EIA document as follows:

- Odour Management Plan and complaints procedure to be implemented during operation under EPR regulations.
- Optimum stocking density to avoid over crowding
- Controls on feed delivery, ventilation design and high velocity fans for optimum poultry house emission dispersion.
- Contained carcass storage prior to disposal

In brief these measures are included in the Odour Management Plan. Based on no specific concerns with odour from current activities the planning EIA assessment concludes that the risk of odour pollution beyond site boundary considered to be acceptable.

Odour Management Plan Review

We have reviewed the final OMP dated 12/10/17, submitted with duly making response. This included the following improvements as we requested:

- More detailed list of relevant residential receptors within 400 metres of the installation boundary with national grid references for each relevant receptor.
- More specific contingency plan with abnormal scenarios with potential for elevated odour pollution and remedial actions to minimize risk of such odour pollution beyond installation boundary.

The OMP commits to daily site tours and follow up with remedial actions if there are elevated odour levels from the installation.

We are satisfied that all sources and receptors have been identified, and that the proposed mitigation measures will minimise the risk of odour pollution beyond the installation boundary.

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 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 sensitive receptors within 400 metres of the Installation boundary as stated in section 4.4.2 above. The Operator has provided a noise management plan (NMP) as part of the Application supporting documentation, and further details are provided in section 4.5.2 below.

Noise assessment within planning Environmental Impact Assessment document

The planning submission includes the addition of only one pig house, as the others are existing. As such the noise assessment is the form of a generic assessment, not including noise modelling.

The following is a summary of this assessment

During the operational phase, there is potential for noise impacts as a result of HGVs used for the delivery of piglets to site, delivery of LPG fuel, delivery of feed and bedding and HGVs used for the removal of pigs and manure. However as a NMP and complaints procedure will be implemented during site operations this is considered sufficient to control any potential noise impacts to a negligible level. Given the negligible increase in vehicle movements compared to the existing farm, no significant noise impacts are predicted as a result of additional vehicles using the surrounding road network.

Noise Risk Assessment for the Installation.

The risk assessment for the Installation provided with the Application lists key potential risks of noise pollution beyond the Installation boundary. These activities are as per subjects to be covered in NMP, as listed below.

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.

Noise Management Plan Review

The Noise Management Plan covers

- Feed and material deliveries
- Animal movement and associated HGV movement for animal delivery/disposal.
- Daily mucking out and manure loading/transport.
- Dirty water filling and emptying.

Conclusion

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.

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 two sensitive receptors within 100m of the Installation boundary, the nearest sensitive receptor Green Farm (farmer owned property) is less than 50 metres to the 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 two 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. The Applicant has confirmed the following measures in their operating techniques to reduce dust:

The Bio aerosol Management Plan included in the Applicant's supporting information dated July 2017 is in line with the following guidance.

The key risks of dust and bio aerosol release are listed and control measures provided for the following key areas:

- Pig feed deliveries , storage and usage on site
- Bedding material delivery and usage
- Ventilation emissions including from main poultry houses and diesel generator.
- House cleaning
- Manure removal systems.

Conclusion

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

Ammonia

The applicant has demonstrated that the housing will meet the relevant NH3 BAT-AEL.

There are three Special Areas of Conservation (SAC) /Special Protection Area(s) (SPA) /Ramsar sites located within 10 kilometres of the installation. There are no Sites of Special Scientific Interest (SSSI) located within 5 km of the installation. There is only one Local Wildlife Site(s) (LWS) within 2 km of the installation.

Ammonia assessment – SAC/SPA/Ramsar

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 (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 10 km of the SAC/SPA/Ramsar.

Initial screening using ammonia screening tool version 4.5 (dated 26/09/17) has indicated that emissions from Green Farm will only have a potential impact on the SAC/SPA/Ramsar site(s) with a precautionary critical level of 1µg/m^3 if they are within **6719** metres of the emission source.

Beyond **6719 m** the PC is less than 0.04µg/m^3 (i.e. less than 4% of the precautionary 1µg/m^3 critical level) and therefore beyond this distance the PC is insignificant. In this case all SAC/SPA/Ramsar(s) are beyond this distance (see table below) and therefore screen out of any further assessment.

Where the precautionary level of 1µg/m^3 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/m^3 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/SPA/Ramsar Assessment

Name of SAC/SPA/Ramsar	Distance from site (m)
The Broads SAC	7,556
Broadland SPA	7,556
Broadland Ramsar	7,556

Ammonia assessment - LWS/AW/LNR

There is a single LWS St. Lawrence Green Pond. This consists of only aquatic features. This is confirmed by a report on habitats in the local council area (Waveney Open Space Needs Assessment July 2015 Biodiversity Distribution report http://www.eastsuffolk.gov.uk/assets/Planning/Waveney-Local-Plan/Open-Space-Needs-Assessment-2015/01-Open-Space-Needs-Assessment-2015.pdf)

Therefore on this basis no further assessment is required.

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
Consultation	
Consultation	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: • HSE • Local council Environmental Health Department • Public Health England/Director of Public Health (There are two sensitive receptors within 100 metres of the installation boundary; one owned by farmer/farmer worker and one residential property not owned by the farmer/farm worker) One response received from Public Health England.
Operator	
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.
The facility	
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' and Appendix 2 of RGN 2 'Defining the scope of the installation'. The extent of the facility is as defined in the site plan and in the permit. The activities are defined in table S1.1 of the permit.
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
Biodiversity, heritage, landscape and nature conservation	The application is within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat. 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

Aspect considered	Decision
	the nature conservation screening report as part of the permitting process. We consider that the application will not affect any sites of nature conservation, landscape and heritage, and/or protected species or habitats identified. A HRAS assessment (formerly Appendix 11) dated 12/10/17 has been sent for information only
Environmental risk assessment	
Environmental impact assessment	In determining the application we have considered the Environmental Statement. We have also considered the planning permission and the committee report approving it.
Environmental risk	We have reviewed the operator's assessment of the environmental risk from the facility. The operator's risk assessment is satisfactory.
Operating techniques	
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. The operating techniques are as follows: • Feed selection and site details plus feed storage • Pig housing design • General management • Livestock numbers and movements • Manure management • Carcass management • Bunding and containment features for raw materials • Odour, noise and dust management techniques • Clean and dirty water management including drainage/attenuation pond The proposed techniques for priorities for control are in line with the benchmark levels contained in the Sector Guidance Note EPR6.09 and we consider them to represent appropriate techniques for the facility. The permit conditions ensure compliance with relevant BREFs.
Odour management	We have reviewed the odour management plan in accordance with our guidance on odour management. We consider that the odour management plan is satisfactory.
Noise management	We have reviewed the noise management plan in accordance with our guidance on noise assessment and control. We consider that the noise management plan is satisfactory.

Aspect considered	Decision
Permit conditions	
Raw materials	We have specified limits and controls on the use of raw materials and fuels.
Emission limits	We have decided that emission limits are required in the permit. BAT AEL's have been added in line with the Intensive Farming sector BAT conclusions document dated February 2017. These limits are included in permit table S3.4
Monitoring	We have decided that monitoring should be carried out for the parameters listed in the permit, using the methods detailed and to the frequencies specified. These monitoring requirements have been imposed in order to ensure compliance with Intensive Farming BAT conclusions document dated 21/02/17.
Reporting	We have specified reporting in the permit. We made these decisions in accordance with compliance with Intensive Farming BAT conclusions document dated February 2017
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. The decision was taken in accordance with the guidance on operator competence and how to develop a management system for environmental permits.
Relevant convictions	The Case Management System and National Enforcement Database has 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.
Financial competence	There is no known reason to consider that the operator will not be financially able to comply with the permit conditions.
Growth Duty	
Section 108 Deregulation Act 2015 – Growth duty	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 vary this permit. Paragraph 1.3 of the guidance says: "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." 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. 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

Aspect considered	Decision
	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.

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

Response received from
Public Health England Dated 08/11/17
Brief summary of issues raised
Generic concerns over dust and bio aerosol emissions and odour.
Summary of actions taken or show how this has been covered
Dust and Odour Management Plans are in place to provide controls to minimize risk to human health.