

# Permitting decisions

## Bespoke permit

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We have decided to grant the permit for Rushall Farm Free Range Unit operated by Free Range Chicken Limited.

The permit number is EPR/QP3134DZ.

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

Rushall Farm is an existing 8.22Ha site comprising three poultry houses (capacities: House 1 = 18,000, House 2 = 13,000, House 3 = 13,000) having a combined capacity of up to 44,000 free range broiler places but operating below the EPR threshold of 40,000. An additional new poultry house (House 4) with a capacity of up to 21,000 broiler places will be constructed increasing the installation capacity upto 65,000 free range broiler places. The existing poultry houses have all undergone refurbishment in order to meet Best Available Techniques (BAT).

At the end of the growing cycle, all birds are taken off-site. The poultry houses are dry cleaned to remove dust before spent litter is removed off site in sheeted trailers for land spreading. There is an obsolete former carcass incinerator still present on the site but it is decommissioned and is no longer in an operational condition. It will remain on the site for the foreseeable future.

Dirty water is removed from the tanks for land spreading. Poultry house clean water roof runoff and clean concrete apron runoff is directed into a French drain system running alongside each poultry house and goes into the adjacent ditch.

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

The new 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 sets out the standards that permitted farms and those farms coming under regulation 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 all permit holders. The BAT Conclusions include BAT Associated Emission Levels (BAT-AELs) for ammonia which will apply to the majority of permits as well as BAT-AELs 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.

A BAT-AEL provides us with a performance benchmark to determine whether an activity is BAT or not. The following is a more specific review of the measures that will apply to the applicant to ensure compliance with key BAT measures.

BAT Measure	Applicant Compliance Measure
BAT 3 – nutritional management for nitrogen excretion.	BAT-AEL for broilers is 0.2 to 0.6kgN/animal place/yr
BAT 4 - nutritional management for phosphorous excretion.	BAT-AEL for broilers is 0.05 to 0.25kgP/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 applicant 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 32 – ammonia emissions from poultry houses for broilers.	BAT-AEL for broilers is 0.08kgNH <sub>3</sub> /animal place/yr

A BAT-AEL provides a performance benchmark to determine whether an activity is BAT or not. The new BAT Conclusions include a set of BAT-AELs for ammonia emissions to air from animal housing for broilers and therefore an ammonia emission limit value has been included within the permit.

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' within the permit and the applicant is required to undertake relevant monitoring that complies with these BAT Conclusions.

The Environment Agency sent out a Schedule 5 Notice requiring the applicant to confirm that the installation will comply in full with all the relevant BAT Conclusion measures. The applicant has confirmed their compliance with the BAT Conclusions for the new and existing housing in their email dated 13 June 2017.

The relevant changes have been incorporated within the permit for application EPR/QP3134DZ/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 five Local Wildlife Sites (LWS) and one Ancient Woodland (AW) within 1.8km of the facility.

### Assessment of LWS and AW:

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

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

Initial screening using the Ammonia Screening Tool spreadsheet v4.5 has indicated that Langmere Green, St. Clement's Common, Whitepost Lane Wood, Oliver's and Dodd's Woods, and Furze Covert LWSs as well as Oliver's Wood AW all screen out at CLe 1 due to their distance from the site. Therefore, it is possible to conclude no damage is likely from the site 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 application was advertised externally on the GOV.UK website between 16 June 2017 and 14 July 2017 to invite any responses and comments from the general public.</p> <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. A site plan is included in the permit and an improvement condition is included within the permit requiring the site plan to be updated upon planning permission approval.

Aspect considered	Decision
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 Rushall Farm (dated 03 April 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. Therefore, on the basis of the assessment presented in the SCR the Environment Agency accepts that no baseline reference data needs to be provided for the site soil and groundwater conditions as part of application EPR/QP3134DZ/A001.</p>
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 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 as there are no statutory designations within the distance used for the screening criteria. The decision was taken in accordance with our guidance.</p>
<b>Environmental risk assessment</b>	
Environmental risk	<p>We have reviewed the operator's assessment of the environmental risk from the facility. The operator's risk assessment is satisfactory. Refer to the <a href="#">key issues</a> section for further details.</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. The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.</p>
Operating techniques for emissions that screen out as insignificant	<p>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.</p>
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>

Aspect considered	Decision
Noise management	<p>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' 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 Rushall Farm Free Range Unit is an existing site (previously operating under the threshold) now coming under regulation by the Environment Agency.</p> <p>We have imposed improvement conditions within the permit to ensure that there is a review 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>BAT-AELs based on the recently published BAT Conclusions have been set in the permit for the following substances:</p> <ul style="list-style-type: none"> <li>➤ ammonia</li> <li>➤ nitrogen</li> <li>➤ phosphorous.</li> </ul>
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.</p> <p>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>

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> Community Protection Team, South Norfolk Council dated 16 June 2017.
<b>Brief summary of issues raised</b>
The Community Protection Team are not aware of any recent noise or other amenity issues at this site. However, having regard to the close proximity of the site to residential properties they would recommend that it is ensured that odour, dust and noise control measures can be, and are, put in place that are sufficiently robust to ensure that there is not an unacceptable impact on local residents.
<b>Summary of actions taken or show how this has been covered</b>
The Applicant has produced a site Odour Management Plan (OMP), Noise Management Plan (NMP) and Dust Management Plan (DMP) which they will be required to operate their site in accordance with conditions 3.1.1 and 3.1.2 (DMP), 3.3.1 (OMP), and 3.4.1 (NMP) within the permit. These conditions will enforce the implementation of these plans as well as minimising pollution outside of the installation boundary. There is also a new annual dust reporting requirement within the permit as required by the Intensive Rearing of Poultry or Pigs BAT Conclusions document published on 21 February 2017.

The Local Authority Planning 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 16 June 2017 and 14 July 2017 to invite any responses and comments from the general public. No responses were received.