

Permitting decisions

Bespoke permit

We have decided to grant the permit for Old Chicken Farm operated by The Old Chicken Farm Limited.

The permit number is EPR/UP3436DL.

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. The introductory note summarises what the permit covers.

Key issues of the decision

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 schedule 5 for information 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 installations, in their document reference BAT Conclusions for IRPP and dated 30/05/2017.

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	0.6 kg N excreted/animal place/year Nitrogen excretion levels will be met and verified and reported annually by means of either mass balance calculation or manure analysis. Where manure analysis is used: samples will be taken from all houses at 10 different places to produce a composite sample. This technique will be used on an annual basis.
BAT 4 Nutritional management Phosphorous excretion	0.25 kg P excreted / animal place / year Phosphorus excretion levels will be met and verified and reported annually by means of either mass balance calculation or manure analysis. Where manure analysis is used: samples will be taken from all houses at 10 different places to produce a composite sample. This technique will be used on an annual basis.
BAT 24 Monitoring of emissions and process parameters - Total nitrogen and phosphorous excretion	Table S3.2 Process monitoring requires the operator to undertake relevant monitoring that complies with these BAT conclusions.
BAT 25 Monitoring of emissions	

BAT measure	Applicant compliance measure
and process parameters - Ammonia emissions	
BAT 26 Monitoring of emissions and process parameters - Odour emissions	The operator will monitor the odour from points around the site on a weekly basis throughout the flock cycle and at depopulation. The designated points will be initially the four corners of the site boundary; additional points can be added after reviewing the data. A scoring system of 1-6 will be used where 1 is no odour detected to 6 being strong odour detected. All monitoring will be recorded.
BAT 27 Monitoring of emissions and process parameters - Dust emissions	Table S3.2 Process monitoring requires the operator to undertake relevant monitoring that complies with these BAT conclusions.
BAT 32 Ammonia emissions from poultry houses - Broilers	0.034 (kg NH ₃ /animal place/year). Ammonia emissions will be reported annually through estimation using emission factors.

More detailed assessment of specific BAT measures

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 broiler. All new bespoke applications issued after the 21st February will now need to meet the BAT-AEL.

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 Old Chicken Farm (dated 20/04/2017) 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.

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:

- Ventilation Techniques
- Litter Conditions and Management
- Carcass Disposal
- Management of Drinking Water Systems
- Destocking of Live Stock
- Cleanout

Odour Management Plan Review

There are sensitive receptors within 100 metres of the installation boundary. The applicant has therefore submitted an Odour Management Plan as part of the application supporting documentation.

Operations with the most potential to cause an Odour Emissions have been assessed as those listed above. The Odour Management Plan covers control measures, in particular, procedural controls addressing ventilation, litter condition and management, bird destocking/restocking, and clean out operations. The operator has also considered that they will undertake a BAT review following any substantiated odour complaints and provided a list of contingency measures that they will consider to reduce the odour emissions from site and meet BAT requirements. Following the BAT review the Operator has confirmed that they will select a suitable contingency measure from those listed in the odour management plan which will be agreed to by the agency.

As a final contingency measure the operator has confirmed that should all other contingency measures fail they will destock their bird numbers down to a level where odour complaints are not received.

There is the potential for odour emissions from the installation beyond the installation boundary, however the operator's compliance with the Odour Management Plan, submitted with this application, should minimise the risk of odour pollution beyond the installation boundary. We, the Environment Agency, have reviewed and approved the Odour Management Plan. 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.

Dust

There are sensitive receptors within 100 metres of the installation boundary. The applicant has therefore submitted a Dust Management Plan as part of the application supporting documentation.

Operations with the most potential to cause a dust nuisance have been assessed as those involving delivery vehicles travelling to and from the farm, vehicles on site, feed selection, operation of ventilation fans, litter type condition and management, bird restocking, bird removal and clean out operations. The Dust Management Plan covers control measures, in particular, procedural controls addressing ventilation fans, feed deliveries, feeding types, bird restocking, and clean out operations.

There is the potential for dust from the installation beyond the installation boundary, however the operator's compliance with the Dust Management Plan, submitted with this application, should minimise the risk of dust pollution beyond the installation boundary. The risk of dust pollution at sensitive receptors beyond the installation boundary is therefore not considered significant. 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.

Noise

There are sensitive receptors within 100 metres of the installation boundary. The applicant has therefore submitted a Noise Management Plan as part of the application supporting documentation.

Operations with the most potential to cause noise nuisance have been assessed as those involving delivery vehicles travelling to and from the farm, vehicles on site, feeding system, operation of ventilation fans, noise from birds, bird restocking, bird removal and loading on to vehicles and clean out operations. The Noise Management Plan covers control measures, in particular, procedural controls addressing ventilation fans, feed deliveries, feeding systems, bird restocking, and clean out operations.

There is the potential for noise from the installation beyond the installation boundary, however the operator's compliance with the Noise Management Plan, submitted with this application, should minimise the risk of noise pollution beyond the installation boundary. The risk of noise pollution at sensitive receptors beyond the installation boundary is therefore not considered significant. 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.

Ammonia

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

There are two Sites of Special Scientific Interest (SSSI) located within 5 km of the installation. There are also six Local Wildlife Site(s) (LWS),/Ancient Woodland(s) (AW), Local Nature Reserve(s) (LNR) within 2 km of the installation.

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 (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 5 km of the SSSI.

Initial screening using the ammonia screening tool version 4.5 has indicated that emissions from Old Chicken Farm will only have a potential impact on SSSI sites with a precautionary critical level of 1µg/m³ if they are within 2,800 metres of the emission source.

Beyond 2,800m the PC is less than 0.2µg/m³ (i.e. less than 20% of the precautionary 1µg/m³ critical level) and therefore beyond this distance the PC is insignificant. In this case one of the SSSIs is beyond this distance (see table below) and therefore screen out of any further assessment.

Where the precautionary level of 1µg/m³ 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 1µg/m³ 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 1 – SSSI Assessment

Name of SSSI	Distance from site (m)
Normanby Meadow	4,200

Screening using the ammonia screening tool version 4.5 has indicated that the PC for Kingerby Beck Meadows is predicted to be less than 20% of the critical level for ammonia emissions, nitrogen deposition, and acid deposition therefore it is possible to conclude no damage. The results of the ammonia screening tool version 4.5 are given in the tables below.

Table 2 – Ammonia emissions

Site	Ammonia Cle (µg/m ³)[1]	PC (µg/m ³)	PC % critical level
Kingerby Beck Meadows	3	0.46	15.3

Note [1] Critical level values taken from APIS website (www.apis.ac.uk) – 03/10/2016

Table 3 – Nitrogen deposition

Site	Critical load kg N/ha/yr [1]	PC kg N/ha/yr	PC % critical load
Kingerby Beck Meadows	20	2.392	12

Note [1] Critical load values taken from APIS website (www.apis.ac.uk) – 03/10/2016

Table 4 – Acid deposition

Site	Critical load keq/ha/yr [1]	PC keq/ha/yr	PC % critical load
Kingerby Beck Meadows	2.28	0.171	7.5

Note [1] Critical load values taken from APIS website (www.apis.ac.uk) – 03/10/2016

No further assessment is required.

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 Old Chicken Farm will only have a potential impact on the LWS/AW sites with a precautionary critical level of 1µg/m³ if they are within 461 metres of the emission source.

Beyond 461m the PC is less than 1µg/m³ and therefore beyond this distance the PC is insignificant. In this case all LWS/AW are beyond this distance (see table below) and therefore screen out of any further assessment.

Table 5 – LWS/AW Assessment

Name of LWS / AW	Distance from site (m)
Youngs Wood (LWS)	1,446
Kingerby Wood (LWS)	1,095
The Chase (LWS)	942
Kingerby Beck Meadows (LWS)	818
Spurn Point, Owersby (LWS)	674
Kingerby Wood (AW)	1,095

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. The decision was taken in accordance with our guidance on confidentiality.
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	
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: <ul style="list-style-type: none"> • West Lindsey Council Environmental Health • West Lindsey Council Planning Department • Health and Safety Executive • Public Health England • Lincolnshire council The comments and our responses are summarised in the consultation section .
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'. 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.
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. The site was originally constructed 60 years ago and operated without the need for a permit. It went into disuse 20 years ago until 1 year ago when it was brought

Aspect considered	Decision
	<p>back into operation but operated under the Industrial Emissions Directive threshold (under the 40,000 birds). The land around the site is used for a mix of residential homes and agriculture. There is no known history of pollution events.</p> <p>The site is with in a Nitrate Vulnerable Zone.</p>
<p>Biodiversity, heritage, landscape and nature conservation</p>	<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>A full assessment of the application and its potential to affect the sites has been carried out as part of the permitting process. We consider that the application will not affect the features of the sites.</p> <p>We have not consulted Natural England on the application. The decision was taken in accordance with our guidance.</p> <p>Please see the 'Ammonia Emissions' sections in the key issues above.</p>
<p>Environmental risk assessment</p>	
<p>Environmental risk</p>	<p>We have reviewed the operator's assessment of the environmental risk from the facility. 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> <p>The operator's risk assessment is satisfactory. See key issues section for further explanation.</p>
<p>Operating techniques</p>	
<p>General operating techniques</p>	<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> <p>The operator has proposed the following key techniques:</p> <ul style="list-style-type: none"> • Nipple drinkers are used to reduce wastage of water and maintain dry litter; • All fuels are stored in bunded fuel stores. <p>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.</p>
<p>Odour management</p>	<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>Please see the 'Odour Management Plan' sections in the key issues above.</p>
<p>Noise management</p>	<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>

Aspect considered	Decision
	Please see the 'Noise' sections in the key issues above.
Permit conditions	
Improvement programme	<p>Based on the information on the application, we consider that we need to impose an improvement programme.</p> <p>We have imposed an improvement programme to ensure that the operator undertakes a review of the following aspects of the installation in regards to the appropriate measures in Best Available Techniques (BAT) Conclusions document for Intensive Rearing of Poultry or Pigs (IRRP) 2017</p> <ul style="list-style-type: none"> • Existing housing and management practices • The onsite rainwater and dirty water drainage practices
Emission limits	<p>Technical measures [based on BAT] have been set for the following substances:</p> <ul style="list-style-type: none"> • Nitrogen • Phosphorus • Ammonia <p>See key issues for further information.</p>
Monitoring	<p>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.</p> <p>These monitoring requirements have been imposed in order to comply with the relevant BAT measures. See key issues for further information.</p>
Reporting	<p>We have specified reporting in the permit. We made these decisions in accordance with the relevant BAT measures. See key issues for further information.</p>
Operator competence	
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> <p>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 been checked to ensure that all relevant convictions have been declared</p> <p>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>
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 vary this permit.</p>

Aspect considered	Decision
	<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, our notice on GOV.UK for the public and the way in which we have considered these in the determination process. The notice was publicised on the GOV.UK website between 05/05/2017 and 05/06/2017.

Responses from organisations listed in the consultation section

Response received from
Public Health England
Brief summary of issues raised
The Environment Agency screen intensive livestock rearing units using a distance of 100m to the nearest sensitive receptor(s). This is based on a 2009 DEFRA report. Should it be identified by the applicant that there are sensitive receptors within 100m from the boundary of such units the applicant is required to carry out a bioaerosol risk assessment.
Summary of actions taken or show how this has been covered
The applicant has provided a Risk Assessment for Fugitive Emissions and a Dust Management Plan, no further action is necessary. See key issues section for further explanation.

Response received from
West Lindsey District Council
Brief summary of issues raised
West Lindsey District Council (WLDC) raised concerns in regards to the proximity of the residential receptors. Further to this, WLDC raised concerns regarding the proposed Intensive Poultry Farm and planning permission.
Summary of actions taken or show how this has been covered
Proximity to receptors Standard conditions (3.1 Emissions of substances not controlled by emission limits, 3.2 Odour, and 3.3 Noise and vibration) have been included within the permit to ensure nearby sensitive receptors are protected. The operator has provided management plans which demonstrate management activities which will be used to manage dust (bioaerosols), noise and odour emissions. The site has been operating for around twelve months under the permit threshold for regulation and has had no known complaints regarding dust, noise or odour emissions. No further action is necessary. See key issues section for further explanation.
Planning Permission Planning permission is not a requirement for the issuing of an Environmental Permit, and it has therefore not been considered. No further actions are required in regards to the concerns raised over planning permission.

We also consulted West Lindsey Council Environmental Health, Health and Safety Executive and Lincolnshire Council but no response was received. No responses from the public were received.