

Permitting decisions

Bespoke permit

We have decided to grant the permit for Waterloo Farm operated by Humphrey Farms Limited.

The permit number is EPR/JP3832DV.

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

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 33 BAT conclusion measures in total within the BAT conclusion document dated 21st February 2017.

We have sent out a request 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 an emailed RFI response dated 16/06/17 "Waterloo Farm - IF BREF".

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	0.06 (kg N excreted/animal place/year) BAT-associated total nitrogen excreted. The nutritional strategy is constructed by professional nutritionists who formulate the diet to meet the birds needs and the requirement to meet the reduce levels of excretion as set out by BAT. Nitrogen excretion levels will be met and verified and reported annually by means of either mass balance calculation or manure analysis.
BAT 4 Nutritional management Phosphorous excretion	0.25 (kg P ₂ O ₅ excreted/animal place/year) BAT-associated total phosphorus excreted. The nutritional strategy is constructed by professional nutritionists who formulate the diet to meet the birds needs and the requirement to meet the reduce levels of excretion as set out by BAT. Phosphorus excretion levels will be met and verified and reported annually by means of either mass balance calculation or manure analysis.
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.

BAT measure	Applicant compliance measure
BAT 25 Monitoring of emissions and process parameters - Ammonia emissions	
BAT 26 Monitoring of emissions and process parameters - Odour emissions	Sniff tests will be undertaken to monitor odour by a third party if/when complaints are received.
BAT 27 Monitoring of emissions and process parameters -Dust emissions	Table S3.3 Process monitoring requires the operator to undertake relevant monitoring that complies with these BAT conclusions.
BAT 28 Monitoring of emissions and process parameters linked to - Ammonia, Dust and Odour emissions	
BAT 32 Ammonia emissions from poultry houses - Pullet	0.06 kg NH ₃ /animal place/year

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 140,000 Pullets. (reared from one day old up to 18 - 20 weeks then transferred to free range egg laying facility)

Industrial Emissions Directive (IED)

The Environmental Permitting (England and Wales) (Amendment) Regulations 2016 were made on the 11 December 2016 and came into force on 1 January 2017. These Regulations transpose the requirements of the IED.

This permit implements the requirements of the IED.

Groundwater and soil monitoring

As a result of the requirements of the IED, 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 Waterloo Farm (dated 02/09/16) 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.**

Key Issues of the decision

Ammonia Impacts and mass balance

The applicant has applied to change from 39,000 layers places to 140,000 pullet places. An emission factor of 0.29 kg/NH3/animal place/year has been used for the existing scenario at the farm. The site can and has operated lawfully without the need for a permit with 39,000 places. We have agreed to assess the proposed pullets places using the most recent emission factor of 0.06 kg/NH3/animal place/year and compare the outcome on a mass balance calculation to establish if there is a reduction.

Table 1.

Category of livestock	Housing system	Ammonia emission factor (kg/NH3/animal place/year)
Layers	Naturally ventilated or fan ventilated, perchery, fully littered floor, non-leaking drinkers	0.29
Pullets	Naturally ventilated or mechanically ventilated fully littered floor, non-leaking drinkers	0.06

Table 2.

Permit	Animal/ Housing Type	Emission factor	Bird Places	Ammonia Emissions (Kg NH3/year)	Ammonia Emissions (g NH3/s)
Existing	Sheds 1 & 2	0.29	39,000	11,310	0.359
			Total	11,310	0.359
Proposed	Sheds 1 & 2	0.06	140,000	8,400	0.266
			Total	8,400	0.266
Predicted emissions as a percentage of existing emissions		74.27%			
Percentage Reduction		25.73%			

Based upon the existing bird type and place numbers increasing / changing from the two sheds sheds we can show a mass balance reduction of 25.73% in ammonia emissions is predicted, demonstrating a significant environmental improvement (Table 2). There will be no changes to the emission characteristics, the location of the sheds and the orientation of the emission points remain the same.

On the basis that the existing position could and would continue if this permit application was refused, the fact that the proposals would deliver an environmental improvement and that they would meet the relevant BAT AELs we consider that the impact from the proposals is acceptable.

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 are within 400m of the Installation boundary. The aim of the OMP is 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:

- feed selection;
- ventilation;
- cleanout;
- carcase storage and disposal;
- feed delivery; and,
- dust build up.

Odour Management Plan Review

This Odour Management Plan is considered acceptable having been assessed against the requirements of Integrated Pollution Prevention and Control (IPPC) SRG 6.02 (Farming): Odour Management at Intensive Livestock Installations and our ‘Top Tips Guidance and Poultry Industry Good Practice Checklist’ and with regard to the site specific circumstances at the installation. The operator is required to manage activities at the installation in accordance with condition 3.3.1 of the environmental permit and this Odour Management Plan. The Odour Management Plan includes odour control measures, in particular, procedural controls addressing odours by manure storage, cleaning out, ventilation, carcass removal, feed delivery, manure spreading and dust build up.

The Odour Management Plan is required to be reviewed at least every 4 years and/or after a complaint is received, whichever is the sooner.

There is the potential for odour pollution from the installation, however the operator’s compliance with their Odour Management Plan, submitted with this application, should minimise the risk of odour pollution beyond the installation boundary. The risk is not considered significant. We, the Environment Agency, have reviewed and approved the Odour Management Plan 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. However, it remains the responsibility of the operator to prevent odour pollution.

Noise

There are sensitive receptors within 400 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, clean out operations, and manure management.

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 is therefore not considered significant. We, the Environment Agency, have reviewed and approved the Noise 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. However, it remains the responsibility of the operator to prevent noise pollution.

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	
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"> • Public Health England • East Riding Environmental Health • East Riding Department of Public Health • Health and Safety Executive <p>The comments and our responses are summarised in the consultation section.</p>
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	<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.
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</p>

Aspect considered	Decision
	<p>identified in the nature conservation screening report as part of the permitting process.</p> <p>We consider that the application will not affect any sites of nature conservation, landscape and heritage, and/or protected species or habitats identified.</p>
Environmental risk assessment	
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	<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 operating techniques are as follows:</p> <ul style="list-style-type: none"> • Ventilation is provided by high velocity roof fan outlets and gable end fans on both sheds, • Uncontaminated water will be segregated from waste water; • All dirty wash water is diverted to sealed storage containers for removal from site; and, • Nipple drinkers used in all sheds. <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>
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.
Permit conditions	
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</p>

Aspect considered	Decision
	relevant BAT measures. See key issues for further information.
Reporting	We have specified reporting in the permit. We made these decisions in accordance with the relevant BAT measures. See key issues for further information.
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 has 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	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	<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> <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 Health and Safety Executive (HSE), Food Standards Agency (FSA), Chichester District Council Planning Dept. and Chichester District Council Environmental Health Dept. were consulted with; however, no consultation responses from these parties were received. Also, we did not receive any representations in response to the web publicising.