

Permitting decisions

Variation

We have decided to issue the variation for Kelly Bray Poultry Farm operated by Jamie Robert Hatch and Raymond Russell Hatch.

The variation number is EPR/YP3434HG/V005.

We consider in reaching that decision we have taken into account all relevant considerations and legal requirements and that the permit will ensure that the appropriate level of environmental protection is provided.

Purpose of this document

This decision document provides a record of the decision making process. It:

- highlights [key issues](#) in the determination
- summarises the decision making process in the [decision checklist](#) to show how all relevant factors have been taken into account
- shows how we have considered the [consultation responses](#)

Unless the decision document specifies otherwise we have accepted the applicant's proposals.

Read the permitting decisions in conjunction with the environmental permit and the variation notice. The introductory note summarises what the variation covers.

Key issues of the decision

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.

Amendments have been made to the conditions of this variation so that it now 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 Kelly Bray Poultry Farm (dated May 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: feed selection, delivery and storage; potential problems with ventilation systems resulting in high humidity and wet litter; litter management; carcass disposal; house cleaning at the end of the cycle.

Odour Management Plan Review

Although there are several sensitive receptors within 100 metres of the site boundary no odour complaints have been received to date. The closest receptors are residential properties to the West of the installation site boundary on Station Road, in the village of Kelly Bray. The new broiler houses will be constructed to the

North of the site boundary, so will be situated further away from these receptors than the existing broiler houses.

The odour management plan provided upon application 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.

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 of odour pollution at sensitive receptors beyond the installation boundary 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. That remains the responsibility of the operator.

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.

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 follows: noise from large vehicles travelling to and from the farm and also on site delivering feed, catching birds, litter and dirty water removal; small vehicles travelling to and from the farm; feed transfer from lorry to bins; ventilation and heating systems and building work and repairs. The Applicant has also identified that potential noise sources include the alarm system, standby generator, chickens and personnel.

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

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 neighbouring properties, which are over 400 metres beyond the installation boundary, is therefore not considered significant.

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 over 15 sensitive receptors within 100m of the Installation boundary, the nearest sensitive receptor to the new proposed broiler houses is approximately 40 metres to the West of the installation boundary on Windsor Lane.

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

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

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

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

Feed is stored in purpose-built covered feed silos located close to the poultry houses and is pelleted to reduce dust. No milling or mixing of feed takes place at the farm and feed is delivered to the farm by lorry from the feed supplier. Feed is blown directly from the lorry into the storage silos and then piped from the silos into the houses to minimise dust emissions. Deposits of dust resulting from the use of gable end fans will be contained and disposed of. Dust is controlled through the management of litter and air quality. No used litter is not stored on the farm. There will be no incinerator ash on site.

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

There are 2 Special Areas of Conservation (SAC) and 1 Special Protection Area (SPA) located within 10 kilometres of the installation. There are 5 Sites of Special Scientific Interest (SSSI) located within 5 km of the installation. There are also 3 Local Wildlife Sites (LWS) and 1 Ancient Woodland (AW) within 2 km of the installation.

Ammonia assessment – SAC/SPA/Ramsar sites

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

- If the process contribution (PC) is below 4% of the relevant critical level (CL_e) or critical load (CL_o) then the farm can be permitted with no further assessment.
- Where this threshold is exceeded an assessment alone and in combination is required.
- An in combination assessment will be completed to establish the combined PC for all existing farms identified within 10 km of the SACs or SPA.

For the following sites this farm has been screened out at stage 1, as set out above, using results of the ammonia screening tool (version 4.4).

Initial screening using ammonia screening tool (version 4.4) has indicated that emissions from Kelly Bray Poultry Farm will only have a potential impact on sites with a critical level of 1 µg/m³ if they are within 3,553 metres of the emission source.

Beyond 3,553m the PC is less than 0.04µg/m³ (i.e. less than 4% of the precautionary 1µg/m³ critical level) and therefore beyond this distance the PC is insignificant. In this case all SACs and SPAs are 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 4% the site automatically screens out as insignificant and no further assessment of critical load is necessary. In this case the 1µg/m³ level used has not been confirmed by Natural England, but it is precautionary. It is therefore possible to conclude no likely significant effect.

Table 1 – distance from source

| Site | Distance (m) |
|---------------------------------------|--------------|
| Phoenix United Mine & Crow's Nest SAC | 9,571 |
| Plymouth Sound & Estuaries SAC | 5,724 |
| Tamar Estuaries Complex SPA | 7,280 |

Ammonia assessment – SSSIs

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)
- 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 Kelly Bray Poultry Farm will only have a potential impact on SSSI site with a precautionary critical level of 1µg/m³ if they are within 1,224 metres of the emission source.

Beyond 1,224m 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 all SSSIs are 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 2 – distance from source

| Site | Distance (m) |
|-------------------------------------|--------------|
| Hingston Down Quarry & Consols SSSI | 4,309 |
| Greenscoombe Wood, Lockett SSSI | 2,495 |
| Sylvias Meadow SSSI | 4,732 |
| Viverdon Quarry SSSI | 4,205 |
| Park Wood SSSI | 4,073 |

Ammonia assessment - LWS/AW/LNR

There are 3 Local Wildlife Sites (LWS), 1 Ancient Woodland (AW) and 1 Local Nature Reserve (LNR) within 2 km of Kelly Bray Poultry Farm. 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 (CL_e) or critical load (CL_o) then the farm can be permitted with no further assessment.

Initial screening using ammonia screening tool version 4.5 has indicated that emissions from Kelly Bray Poultry Farm will only have a potential impact on the LWS, AW and LNR sites with a precautionary critical level of 1µg/m³ if they are within 422 metres of the emission source.

Beyond 422m the PC is less than 1µg/m³ and therefore beyond this distance the PC is insignificant. In this case all LWS, AW and LNR sites are beyond this distance (see table below) and therefore screen out of any further assessment.

Table 3 – distance from source

| Site | Distance (m) |
|----------------------|--------------|
| Bearlands | 1,381 |
| Deer Park Wood | 1,613 |
| Kit Hill LNR and LWS | 459 |
| Clitters Wood | 1,726 |

Decision checklist

| Aspect considered | Decision |
|---|--|
| Receipt of application | |
| Confidential information | A claim for commercial or industrial confidentiality has not been made. |
| Identifying confidential information | We have not identified information provided as part of the application that we consider to be confidential. The decision was taken in accordance with our guidance on confidentiality. |
| Consultation/Engagement | |
| Consultation | <p>The consultation requirements were identified in accordance with the Environmental Permitting Regulations and our public participation statement.</p> <p>The application was publicised on the GOV.UK website.</p> <p>We consulted the following organisations:</p> <ul style="list-style-type: none"> • Local Planning Authority • Public Health England • Department of Public Health <p>The comments and our responses are summarised in the consultation section.</p> |
| The site | |
| 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. The plan is included in the permit. |
| 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 additional area of land has been confirmed as having an agricultural historical use, and there is no known history of contamination. This is area is not with a Source Protection Zone.</p> |
| Biodiversity, heritage, landscape and nature conservation | <p>The application is within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat.</p> <p>We have assessed the application and its potential to affect all known sites of nature conservation, landscape and heritage and/or protected species or habitats identified in the nature conservation screening report as part of the permitting process.</p> <p>We consider that the application will not affect any sites of nature conservation, landscape and heritage, and/or protected species or habitats identified.</p> <p>We have not consulted Natural on the application. The decision was taken in accordance with our guidance.</p> <p>See the ammonia key issues section for further information.</p> |

| Aspect considered | Decision |
|--------------------------------------|--|
| Environmental risk assessment | |
| Environmental risk | <p>We have reviewed the operator's assessment of the environmental risk from the facility.</p> <p>The operator's risk assessment is satisfactory.</p> <p>Please see the odour, noise and bio aerosol sections of the key issues for further information.</p> |
| Operating techniques | |
| General operating techniques | <p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes and we consider them to represent appropriate techniques for the facility.</p> <p>The 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 | <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> |
| Noise management | <p>We have reviewed the noise management plan in accordance with our guidance on noise assessment and control.</p> <p>We consider that the noise management plan is satisfactory.</p> |
| 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> |

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

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| Response received from |
| Public Health England (PHE) dated 18/08/2017. |
| Brief summary of issues raised |
| As there are sensitive receptors within 100m of the site boundary the main issues identified by PHE are fugitive emissions to air. This includes bio aerosols, dust and odour; which have been addressed in the application. |
| Summary of actions taken or show how this has been covered |
| <p><u>Bio aerosols and Dust</u></p> <p>A bio aerosol and dust risk assessment has been completed by the applicant. (Reference: "Bio aerosol / Dust Risk Assessment and Management Plan" dated August 2017). Condition 3.2 has been included in the permit to ensure that emissions of substances not controlled by emission limits (excluding odour) shall not cause pollution.</p> <p><u>Odour</u></p> <p>Our approach to bioaerosol emissions is outlined in the Key issues section above. An odour risk assessment and management plan has been completed by the applicant. (Reference: "Table A1 Odour Risk Assessment and Management Plan" dated May 2017). Condition 3.3 has been included in the permit to ensure that odour emissions shall not cause pollution and the odour management plan shall be adhered to.</p> |

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| Response received from |
| Department of Public Health dated 01/09/2017. |
| Brief summary of issues raised |
| As there is a sensitive receptor within 100m of the site, the Director of Public Health has identified bioaerosols as a main issue. |
| Summary of actions taken or show how this has been covered |
| <p>Our approach to bioaerosol emissions is outlined in the Key issues section above. A bio aerosol and dust risk assessment has been completed by the applicant. (Reference: "Bio aerosol / Dust Risk Assessment and Management Plan" dated August 2017). Condition 3.2 has been included in the permit to ensure that emissions of substances not controlled by emission limits (excluding odour) shall not cause pollution.</p> |