

Permitting decisions

Bespoke permit

We have decided to grant the permit for Gowthorpe Fields Farm Poultry Unit operated by Wot-a-Pullet Limited.

The permit number is EPR/HP3039WG.

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

Gowthorpe Fields Farm Poultry Unit is an existing farm formerly used by others below the intensive farming permitting threshold. The installation comprises four identical sheds each with a maximum capacity of 35,000 birds. The site is being brought under Environmental Permitting Regulation to operate upto a capacity of 140,000 pullet places. It is expected that there will be three crops per year.

Natural ventilation is provided by side inlets and roof outlets along the length of each shed roof. Roof water from all sheds is collected in dedicated drains and then enters into a purpose built soakaway within the installation boundary. Clean surface water from the concrete apron at the western end of the site also drains into this soakaway.

Feed is purchased from a separately owned feed mill and the majority is delivered dry and stored on site in bulk bins. Diets are formulated according to the birds' requirements and the stage of growth. Protein and phosphorus levels are reduced over the growing period.

Bird mortalities are removed each day and the numbers recorded. Any carcasses are held in a freezer prior to regular off-site removal to be disposed of by a registered contractor. At the end of the growing period all birds and litter are removed from the sheds. The sheds are washed down and disinfected ready for the next crop. Dirty water from shed washouts goes into one of two underground holding tanks prior to being pumped

out transported off site with the manure for spreading onto land outside the ownership of the operator. Spreading on land is in accordance with a manure management plan.

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

The new Best Available Techniques (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 will set out the standards that permitted farms 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 permit holders. The conclusions include BAT Associated Emission Levels (AELs) for ammonia 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. There are 33 BAT conclusion measures in total within the BAT Conclusions document dated 21 February 2017.

A BAT AEL provides us with a performance benchmark to determine whether an activity is BAT. The BAT Conclusions document does not have a BAT AEL for pullets and therefore an ammonia emission limit value has not 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 – and the operator is required to undertake relevant monitoring that complies with these BAT conclusions.

We sent out a Schedule 5 Notice 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 the BAT conditions for the new housing in their email dated 06 April 2017.

The changes have been incorporated within the permit template for application EPR/HP3039WG/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 two Special Areas for Conservation (SAC), one Special Protection Area (SPA) and one Ramsar all within 6.5km, two Sites of Special Scientific Interest (SSSI) within 3.5km and six Local Wildlife Sites (LWS) within 1.7km of the facility.

Assessment of SAC, SPA and Ramsar:

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. Initial screening using the Ammonia Screening Tool spreadsheet (AST) v4.5 has indicated that Lower Derwent Valley SAC, SPA and Ramsar all screen out at CLe 1.

With regards to the River Derwent SAC, Natural England have confirmed that the alluvial woodland only occurs at the far north-west of Melbourne and Thornton Ings SSSI. A CLe of 1ug/m³ is only applicable to this area and a CLe of 3ug/m³ is applicable to the rest of this SAC. The River Derwent does have associated fen and wet grassland habitat but there is no evidence of significant lower plants and so the lower CLe would again not be insisted upon in the modelling. Therefore, as the River Derwent screens out at a CLe of 3ug/m³, it is possible to conclude no damage and that further consultation with Natural England is not required. No further assessment is necessary.

Assessment of SSSI:

If the PC is below 20% of the relevant CLe or CLo then the farm can be permitted with no further assessment. Initial screening using AST v4.5 has indicated that the PC for the River Derwent SSSI screens out at a CLe of 1ug/m³. Therefore, no further assessment is necessary for this SSSI.

With regards to Bishop Wilton Poor Land SSSI, Natural England have confirmed that there are no sensitive lichens or bryophytes present within this SSSI. As such using CLe 3 would be recommended. Therefore, as

the Bishop Wilton Poor Land SSSI screens out at a CLe of 3ug/m³, it is possible to conclude no damage and that further consultation with Natural England is not required. No further assessment is necessary.

Assessment of LWS:

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

- If PC is <100% of relevant CLe or CLo then the farm can be permitted (H1 or ammonia screening tool)
- If PEC < CLe or CLo then the farm can be permitted
- If further modelling shows PC <100%, then the farm can be permitted.

Initial screening using AST v4.5 has indicated that Full Sutton Farm Pond, Fangfoss Common Wood, Fangfoss Pond, Jubilee Plantation and Belthorpe Whin LWSs all screen out at CLe 1. With regards to Full Sutton Hedge LWS, there are no lichens or bryophytes present and the site screens out at CLe 3. Therefore, it is possible to conclude no damage and that no further assessment is necessary.

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 any information provided as part of the application that we consider to be confidential.
Consultation	
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"> ➤ Local Authority (Environmental Health and Planning) ➤ Health and Safety Executive. <p>No responses were received. The application was advertised externally on the GOV.UK website between 18 January 2017 and 15 February 2017 to invite any responses and comments from the general public. No responses were received.</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	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.

Aspect considered	Decision
	The activities are defined in table S1.1 of the permit.
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. A site 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 site condition report (SCR) for Gowthorpe Fields Farm Poultry Unit (dated 30 June 2016) 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/HP3039WG/A001.</p>
Biodiversity, heritage, landscape and nature conservation	<p>The application is within the relevant distance criteria of a site 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 key issues section. We have not consulted Natural England on the application. The decision was taken in accordance with our guidance.</p> <p>In accordance with our guidance, as there are statutory sites within 10km of the installation, we are required to complete an Appendix 11 Habitats Directive Assessment and an Appendix 4 CRoW Act Assessment for the Sites of Special Scientific Interest for auditing purposes only. This was done on 20 December 2016 and 18 January 2017, and is recorded for information only on the public register.</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. Refer to the key issues section for further details.
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.
Operating techniques for emissions that screen out as insignificant	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.
Odour management	We have reviewed the odour management plan in accordance with our

Aspect considered	Decision
	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	
Improvement programme	<p>Based on the information on the application, we consider that we need to impose an improvement programme as Gowthorpe Fields Farm is an existing site (under threshold) and not a newly built installation meeting current BAT requirements. We have imposed improvement conditions to ensure that there is a review of the existing:</p> <ul style="list-style-type: none"> ➤ site drainage ➤ poultry house management and practices.
Emission limits	We have decided that emission limits are not required in the permit.
Monitoring	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. 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.
Reporting	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.
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.
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 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</p>

Aspect considered	Decision
	<p>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>