

Permitting decisions

Bespoke permit

We have decided to grant the permit for Clipstone Duck Unit operated by Ralph Harrison & Company Limited.

The permit number is EPR/YP3336YS.

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 in to 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 schedule 5 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 installation, in their document reference Clipstone Duck Unit - Schedule 5 Response and dated 14/02/18.

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	Ducks 0.8 kg N excreted/animal place/year. Feed specifications are prepared by the supplier's nutrition specialist. The Applicant has confirmed it will demonstrate it achieves levels of Nitrogen excretion below the required BAT-AEL of 0.8 kg N/animal place/year by an estimation using manure analysis for total Nitrogen content, or mass balance calculation. This confirmation was in response to the Schedule 5 Notice request for further information, received 14/02/18, which has been referenced in Table S1.2 Operating Techniques of the Permit. Table S3.3 of the Permit concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions.
BAT 24 Monitoring of emissions and process parameters - Total nitrogen excretion	Table S3.3 Process monitoring requires the operator to undertake relevant monitoring that complies with these BAT conclusions.
BAT 25 Monitoring of emissions and	Table S3.3 of the Permit concerning process monitoring requires the

BAT measure	Applicant compliance measure
process parameters - Ammonia emissions	Operator to undertake relevant monitoring that complies with these BAT Conclusions.
BAT 26 Monitoring of emissions and process parameters - Odour emissions	The approved OMP includes the following details for on Farm Monitoring and Continual Improvement: • Sniff testing/boundary odour monitoring will be undertaken on a daily basis in the event of abnormally high housekeeping odours being detected on site or a complaint being 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.

More detailed assessment of specific BAT measures

Ammonia emission controls

A BAT Associated Emission Level (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 ducks and therefore an ammonia emission limit value has not been included within the permit.

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 Clipstone Duck Unit (dated 26/10/17) 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 and although condition 3.1.3 is included in the permit no groundwater monitoring will be required.**

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 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. There are 2 sensitive receptors within 100m of the Installation boundary, the nearest sensitive receptor (the nearest point of their assumed property boundary) is approximately 75 metres to the west of the installation boundary.

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;
- feed delivery and storage;
- litter management;
- ventilation system;
- carcass disposal;
- house clean-out; and
- dirty water management.

Odour Management Plan Review

This OMP is considered acceptable having been assessed against the requirements of 'H4 Odour Management guidance', 'How to comply with your Intensive Farming environmental permit, Appendix 4', 'Top tips for completing an intensive farming odour management plan', 'Poultry Industry Good Practise Checklist' and the 'Intensive rearing of poultry or pigs BAT Conclusions'. The operator is required to manage activities at the installation in accordance with condition 3.3.1 of the permit and this OMP.

The OMP sets out the preventative measures that will be taken on the installation as part of the daily management of odour risk at the site. Preventative measures have been specified for all of the potential odour sources from the installation. A contingency plan has been included in the event that any of the preventative measures fail, which would be indicated by detection of abnormally high odours or through receipt of an odour complaint. A list of primary and secondary remedial measures are included in the contingency plan, including triggers for commencing/ceasing use and time frames for putting measures in place. It is anticipated that these measures should be sufficient to address the risk of odour from the installation.

We, the Environment Agency, have reviewed and approved the Odour Management Plan (OMP) 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.

The OMP should be reviewed at least once a year to assess the effectiveness of odour control methods and procedures.

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 2 sensitive receptors within 100m of the Installation boundary, the nearest sensitive receptor (the nearest point of their assumed property boundary) is approximately 75 metres to the west of the installation boundary. The applicant has provided a noise management plan (NMP) as part of the Application supporting documentation.

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:

- large vehicles travelling to and from site;
- vehicles/machinery on site;
- feed systems;
- operation of ventilation fans; and
- noise from birds.

The NMP sets out the preventative measures that will be taken on the installation as part of the daily management of noise risk at the site. Preventative measures have been specified for all of the potential noise sources from the installation. It is anticipated that these measures should be sufficient to address the risk of noise from the installation.

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.

The NMP should be reviewed on a regular basis to ensure that it reflects the most up to date management practices and infrastructure.

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 2 sensitive receptors within 100m of the Installation boundary, the nearest sensitive receptor (the nearest point of their assumed property boundary) is approximately 75 metres to the west of the installation boundary.

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.

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 is one Special Area of Conservation (SAC) site located within 10 kilometres of the installation. There are two Sites of Special Scientific Interest (SSSI) located within 5 km of the installation. There are also six Local Wildlife Sites (LWS) within 2 km of the installation.

Ammonia assessment – SAC

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 SAC.

River Wensum SAC

No CL_e could be applied to this site as it is assigned for aquatic species.

No further assessment is required.

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 Clipstone Duck Unit will only have a potential impact on SSSI sites with a precautionary critical level of 1µg/m³ if they are within 1475 metres of the emission source.

Beyond 1475 metres 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 the SSSI is beyond this distance (see table below) and therefore screens 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)
Swanton Novers Woods SSSI	2505

Screening using the ammonia screening tool version 4.5 has indicated that the PC for River Wensum SSSI is predicted to be less than 20% of the critical level for ammonia emissions/nitrogen 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

Name of SSSI	Ammonia Cle ($\mu\text{g}/\text{m}^3$)	PC ($\mu\text{g}/\text{m}^3$)	PC % critical level
River Wensum SSSI	3**	0.47	15.7

** NE contacted and indicated a CLe of 2 would need to be applied for this site. Information on magic indicated the site - units 19, 20, 21 and 55 at this NGR are assigned for fen, marsh and swamp. APIS indicated no Lichens or bryophytes at this site so CLe 3 assigned.

(August 2017)

Table 3 – Nitrogen deposition

Name of SSSI	Critical load kg N/ha/yr. [1]	PC kg N/ha/yr.	PC % critical load
River Wensum SSSI	15	2.439	16.26

Note [1] Critical load values taken from APIS website (www.apis.ac.uk) – 30/08/17

Acid deposition

The site is not sensitive to acidification, therefore a critical load has not been applied for acid deposition.

No further assessment is required.

Ammonia assessment - LWS

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 Clipstone Duck Unit will only have a potential impact on the LWS sites with a precautionary critical level of $1\mu\text{g}/\text{m}^3$ if they are within 516 metres of the emission source.

Beyond 516 metres the PC is less than $1\mu\text{g}/\text{m}^3$ and therefore beyond this distance the PC is insignificant. In this case all LWS are beyond this distance (see table below) and therefore screen out of any further assessment.

Table 4 – LWS Assessment

Name of LWS	Distance from site (m)
Kettlestone Fen LWS	784
Land adjacent to disused railway LWS	777
Holbrigg Lane LWS	638
Land adjacent to Kettlestone Common LWS	635
Lower Clipstone LWS	690
Land adjacent to Pensthorpe LWS	1780

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.
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 • The Director of Public Health • The Health and Safety Executive • Environment Protection – North Norfolk Council/Norfolk County Council <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 and baseline reporting under the Industrial Emissions Directive.
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>

Aspect considered	Decision
	<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>A Stage 1 Habitats Regulations Assessment was completed and sent to Natural England on 22/12/17 'For Information Only'.</p>
Environmental risk assessment	
Environmental risk	<p>We have reviewed the operator's assessment of the environmental risk from the facility. The operator's risk assessment is satisfactory.</p> <p>We have carried out an ammonia risk assessment on behalf of the operator.</p> <p>See Key Issues.</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 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"> • The houses are ventilated by roof fans with emission points higher than 5.5 metres above ground level with an efflux speed greater than 7 metres per second, with side inlets, and gable end fans. The houses are well insulated and equipped with nipple and cup drinking systems; • Drainage from animal housing and water from cleaning out is collected in underground storage tanks. Clean drainage systems are not contaminated; • Litter is placed in trailers following clean out. Once full, trailers are covered and immediately removed from site for spreading on land owned by the operator. Used litter/manure is not stored outside poultry houses; • All working areas around the poultry houses are concreted to prevent emissions to ground; • Procedure for diverter valve operation is in place; • Site manager oversees use of diverter valve; and • Housing design and management is in accordance with SGN EPR6.09 'How to comply with your environmental permit for intensive farming.' <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> <p>See Key Issues.</p>
Noise management	<p>We have reviewed the noise management plan in accordance with our guidance on</p>

Aspect considered	Decision
	<p>noise assessment and control.</p> <p>We consider that the noise management plan is satisfactory.</p> <p>See Key Issues.</p>
Permit conditions	
Use of conditions other than those from the template	Based on the information in the application, we consider that we do not need to impose conditions other than those in our permit template.
Emission limits	<p>ELVs and/or equivalent parameters or technical measures based on BAT have been set for the following substances:</p> <ul style="list-style-type: none"> • kg N excreted/animal place/year <p>See key issues.</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 meet the requirements of the relevant BAT Conclusions.</p> <p>We made these decisions in accordance with the IRRP BAT Conclusions.</p> <p>See Key Issues.</p>
Reporting	<p>We have specified reporting in the permit. This is in line with the relevant BAT Conclusions.</p> <p>We made these decisions in accordance with the IRRP BAT Conclusions.</p> <p>See Key Issues.</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 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>

Aspect considered	Decision
	<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 and 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

Response received on 18/01/18 from
Public Health England (PHE)
Brief summary of issues raised
PHE noted that the installation has the potential to cause pollution such as fugitive emissions (ammonia, bio-aerosols and dust/particulate matter) and pollution to ground and surface water in the form of leachate and spillages, as well as nuisance in respect of odour and noise. PHE concluded that provided the installation complies with the requirements of the permit and relevant domestic and European legislation, in addition to adopting Best Available Techniques, the emissions should present a low risk to human health.
Summary of actions taken or show how this has been covered
The applicant has submitted a dust/bio-aerosols risk assessment and we are satisfied that the measures outlined will minimise the potential for dust and bio aerosol emissions from the Installation. Standards conditions, 3.1.1, 3.2.1, 3.3.1 and 3.4.1, concerning fugitive emissions, odour and noise are contained within the permit.

The following organisations were consulted, however no responses were received:

- Environmental Protection – North Norfolk Council/Norfolk County Council
- The Health and Safety Executive
- The Director of Public Health

This proposal was also publicised on the Environment Agency's website between 22/12/17 and 24/01/18, but no representations were received during this period.