Permitting decisions

Bespoke permit

We have decided to grant the permit for Sallings Farm operated by Colin Phillips (Farms) Limited.

The permit number is EPR/TP3337NC.

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 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 relevant BAT conclusion measures.

The Applicant has confirmed their compliance with all BAT conditions for the new installations or new housing, in their Schedule 5 response dated 23/02/2018.

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	The Applicant has confirmed it will demonstrate it achieves levels of Nitrogen excretion below the required BAT-AEL of 0.6 kg N/animal place/year by an estimation using manure analysis for total Nitrogen content. This confirmation was in response to the Schedule 5 Notice request for further information, received 23/02/2018, 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 4 – Nutritional management Phosphorous excretion	The Applicant has confirmed it will demonstrate it achieves levels of Phosphorous excretion below the required BAT-AEL of 0.25 kg P_2O_5 animal place/year by an estimation using manure analysis for total Phosphorous content. This confirmation was in response to the Schedule 5 Notice request for further information, received 23/02/2018, 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 measure	Applicant compliance measure
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 25 Monitoring of emissions and process parameters - Ammonia emissions	Table S3.3 of the Permit concerning process monitoring requires the 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: The applicant has confirmed that odour levels at the installation will be monitored for high housekeeping odours by site staff. Sniff test will be conducted at the site boundary once a week by a person not directly involved with the poultry operations. This confirmation was in response to the Schedule 5 Notice request for further information, received 23/02/2018, which has been referenced in Table S1.2 Operating techniques of the Permit.
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. The Applicant has confirmed they will report the dust emissions to the Environment Agency annually by multiplying the dust emissions factor for broilers by the number of birds on site. This confirmation was in response to the Schedule 5 Notice request for further information, received 23/02/2018, which has been referenced in Table S1.2 Operating techniques of the Permit.
BAT 32 Ammonia emissions from poultry houses - Broilers	The BAT-AEL to be complied with is 0.01 – 0.08 kg NH3/animal place/year. The Applicant will meet this as the emission factor for broilers is 0.034 kg NH3/animal place/year. The Installation does not include an air abatement treatment facility, hence the standard emission factor complies with the BAT AEL.

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.

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 broilers.

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 Sallings Farm (dated 13/12/17) 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 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.

Odour Management Plan Review

The submitted Odour Management Plan (OMP) has details of potential odour sources from the activities on site. The operator has identified 11 sensitive receptors within 400 metres of the installation boundary, with the two closest receptors being 205 and 231 metres away from the installation boundary. The potential odour sources from this installation include:

- Odour emissions from feed delivery and storage;
- Odour emissions from carcass storage;

- Odour emissions during house cleanout; and
- Odour emissions from litter.

The Applicant has confirmed the following measures in their OMP to reduce the risk of odour from the above sources:

a) Carcasses are placed into sealed plastic bags which are stored in locked, shaded and vermin proof containers away from sensitive receptors.
b) No on site milling or mixing of feed.
c) Feed delivery systems are sealed to minimise atmospheric dust. Any spillage of feed around the bin is immediately swept up.
d) Use of nipple drinkers with drip cups to minimise the risk of spillages.
e) No storage of litter on site, all litter removed immediately and houses/sheds are sealed immediately following destocking.

The operator has also detailed contingency measures for abnormal working conditions where the first line of management fails or becomes inadequate. There is a complaints procedure for the facility for odour and an associated odour complaints form, which has been presented as part of the OMP.

Having assessed these measures against our Sector Guidance Note 6.09 for Intensive Farming, we agree that they are appropriate for the nature and scale of activities on site, hence, we have accepted the applicant's OMP.

Odour Modelling Review

The odour modelling submitted by the operator for this application has not been assessed. This is because we do not request odour modelling from intensive agriculture applications unless it is being used to check the efficacy of specific abatement techniques. In general, if odour modelling assessments are submitted in support of an EPR intensive agriculture installation application, we will not review it but focus on establishing whether odour management techniques represent Best Available Techniques and ensure as appropriate the approval of a robust Odour Management Plan.

In the case of intensive agriculture sector, odour modelling uncertainties are excessively high especially in the locations of interest where receptors are close to the farm. This is because in close proximity, the ratios of the observed peak to mean odour concentrations are high rendering the benchmarks that are typically used for assessment unreliable. This is exacerbated by uncertainties in the model algorithms in the wake regions of buildings that can render predictions indicative only in such locations. Therefore, it is concluded not to make permitting decisions based on odour modelling predictions adjacent to intensive agriculture installations.

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 and the operator 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 and also details appropriate mitigation measures.

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.

Biomass boiler

The poultry farm has 1 biomass boiler with a net rated thermal input of 1.047 MW.

The Environment Agency has assessed the pollution risks and has concluded that air emissions from small biomass boilers are not likely to pose a significant risk to the environment or human health providing certain conditions are met. Therefore a quantitative assessment of air emissions will not be required for poultry sites where:

- the fuel will be derived from virgin timber, miscanthus or straw, and;
- the biomass boiler appliance and installation meets the technical criteria to be eligible for the Renewable Heat Incentive, and;
- the aggregate boiler net rated thermal input is less than or equal to 4 MWth, and no individual boiler has a net thermal input greater than 1 MWth, and;
- the stack height must be a minimum of 5 metres above the ground (where there are buildings within 25 metres the stack height must be greater than 1 metre above the roof level of buildings within 25 metres (including building housing boiler(s) if relevant) and:
- there are no sensitive receptors within 50 metres of the emission point.

This is in line with the Environment Agency's document "Air Quality and Modelling Unit C1127a Biomass firing boilers for intensive poultry rearing", an assessment has been undertaken to consider the proposed addition of the biomass boiler.

The thermal input of the boiler is greater than the 1 MWth criteria, we have decided to accept this 1.047MWth boiler as complying with the biomass boilers screening guidance. This is because the proposed boiler meets all other requirements, will not burn any form of waste wood and has an output which is very close to 1MWth. Therefore, we conclude that the application meets all requirements for not needing a quantitative assessment and that it is unlikely to pose a significant risk to the environment or human health.

In accordance with the Environment Agency's Air Quality Technical Advisory Guidance 14: "for combustion plants under 5MW, no habitats assessment is required due to the size of combustion plant". Therefore this proposal is considered acceptable and no further assessment is required.

Ammonia

This initial ammonia screening assessment has considered any Special Areas of Conservation (SAC), Special Protection Areas (SPA) and Ramsar sites within 10km; any Sites of Special Scientific Interest (SSSI) within 5km and also any National Nature Reserves (NNR), Local Nature Reserves (LNR), ancient woodlands and local wildlife sites (LWS) within 2km of the farm.

The screening identified 8 Local Wildlife Sites (LWS) and 11 Ancient Woodlands within 2km of the installation boundary. Where any of the underlisted criteria is met, we would require the operator to carry out detailed ammonia modelling:

- emissions of ammonia or ammonia deposition (nutrient nitrogen or acid) are in excess of Z% of the relevant Critical Level (ammonia) or Critical Load (nutrient nitrogen or acid) at any particular designated site;
- there is the potential for an in-combination effect with existing farms at a SAC, SPA, Ramsar and/or SSSI if emissions are > Y% of the critical level or critical load;
- the original permit for the installation required an Improvement Condition to reduce ammonia emissions;
- A proposal is within 250m of a nature conservation site.

Table 1 – Screening thresholds.

Based on the results of the screening, the operator is not required to carry out detailed modelling.

Designation	Y%	Z%
SAC, SPA, Ramsar	4	20
SSSI	20	50
NNR, LNR, LWS, ancient woodland	100	100

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 Sallings Farm will only have a potential impact on the Local Wildlife Sites (LWS) and Ancient Woodland (AW) sites with a precautionary critical level of 1µg/m^3 if they are within 446 metres of the emission source.

Beyond 446 metres the PC is less than 1µg/m^3 and therefore beyond this distance the PC is insignificant. In this case all but two of the Local Wildlife Sites are beyond this distance (see table below) and therefore screen out of any further assessment.

Table 2 – Local Wildlife Sites (LWS) and Ancient Woodlands (AW) Assessment

LWS/AW	Name of LWS/AW	Distance from site (m)
LWS	Upper Swingley Ashbed	1,271
LWS	Cheaton, Swingley and Rolls Brooks	719
LWS	Cadmore Brook	1,232
LWS	River Frome	1,385
LWS	Motlin's Hole, Romer's Wood and Easterfield Coppice	1,014
LWS	Perry and Kyrebatch Woods	1,451
AW	Dunhampton Wood	760
AW	Unnamed Woodland 1	1,708
AW	Unnamed Woodland 2	1,948
AW	Unnamed Woodland 3	1,843
AW	Ash Bed	1,342
AW	Garmsley Wood	2,092
AW	Princes Grove	2,085
AW	The Dingle	1,639
AW	Motlins Hole	1,012
AW	Romers Wood	1,633
AW	Perry Wood	1,871

Screening using the ammonia screening tool version 4.5 has determined that the PC – on the two Local Wildlife Sites that did not screen out on distance – for ammonia emissions, nitrogen deposition and acid deposition from the application site are under the 100% significance threshold and can be screened out as having no likely significant effect. See results below.

Table 3 - Ammonia emissions

Site	Critical level ammonia µg/m^3	Predicted PC µg/m^3	PC % of critical level
Wood West Of Bradley's Corner LWS	3**	1.115	37.2
Romer's and Sallings Common LWS	3**	1.622	54.1

** CLe 3 applied as no protected lichen or bryophyte species were found when checking Easimap layer

Table 4 – Nitrogen deposition

Site	Critical load kg N/ha/yr. [1]	Predicted PC kg N/ha/yr.	PC % of critical load
Wood West Of Bradley's Corner LWS	10	5.793	57.9
Romer's and Sallings Common LWS	10	8.425	84.2

Note [1] Critical load values taken from APIS website (www.apis.ac.uk) – 05/03/2018

Table 5 – Acid deposition

Site	Critical load keq/ha/yr. [1]	Predicted PC keq/ha/yr.	PC % of critical load
Wood West Of Bradley's Corner LWS	1.128	0.414	36.7
Romer's and Sallings Common LWS	1.128	0.602	53.4

Note [1] Critical load values taken from APIS website (www.apis.ac.uk) – 05/03/2018

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.
Identifying confidential information	We have not identified information provided as part of the application that we consider to be confidential.
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. 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: • Health and Safety Executive • Malvern Hills Local Authority – Planning • Worcestershire Local Authority – Environmental Health • Director of Public Health/PHE 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', Appendix 2 of RGN 2 'Defining the scope of the installation' 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 and baseline reporting under the Industrial Emissions Directive.
Biodiversity, heritage,	The application is within the relevant distance criteria of a site of heritage, landscape

Aspect considered	Decision
landscape and nature conservation	or nature conservation, and/or protected species or habitat. 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. We consider that the application will not affect any sites of nature conservation, landscape and heritage, and/or protected species or habitats identified. We have not consulted Natural England on the application. The decision was taken in accordance with our guidance. In accordance with the Environment Agency's Air Quality Technical Advisory Guidance 14: "for combustion plants under 5MW, no habitats assessment is required due to the size of combustion plant". Therefore this proposal is considered acceptable and no further assessment is required.
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	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. The operating techniques are as follows: • Use of nipple drinkers fitted with cups to reduce leakage and spills • No on site milling and mixing of feed • the fuel is derived from virgin timber, • the biomass boiler appliance and it's installation meets the technical criteria to be eligible for the Renewable Heat Incentive; and • the stacks are 1m or more higher than the apex of the adjacent buildings. 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.
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.

Aspect considered	Decision
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.
Raw materials	We have specified limits and controls on the use of raw materials and fuels. We have specified that only virgin timber (including wood chips and pellets), straw, miscanthus or a combination of these, are acceptable. These materials are never to be mixed with or replaced by, waste.
Emission limits	ELVs based on BAT have been set for the following substances: - Ammonia; - Nitrogen; and - Phosphorous.
Monitoring	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. These monitoring requirements have been imposed in order to meet the requirements of the IRPP BAT Conclusions. We made these decisions in accordance with IRPP BAT Conclusions. See Key Issues.
Reporting	We have specified reporting in the permit. This is in line with BAT Conclusions 24, 25 and 27 of the IRPP BAT Conclusions. We made these decisions in accordance with the IRPP BAT Conclusions. See Key Issues.
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.
Relevant convictions	The Case Management System and National Enforcement Database have been checked to ensure that all relevant convictions have been declared. No relevant convictions were found. The operator satisfies the criteria in our guidance on operator competence.
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	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.

Aspect considered	Decision
	Paragraph 1.3 of the guidance says: “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.” 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. 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.

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.

Response received from
Public Health England
Brief summary of issues raised
Public Health England did not raise any concerns
Summary of actions taken or show how this has been covered
N/A

Response received from
Worcestershire Local Authority - Environmental Health
Brief summary of issues raised
Worcestershire Local Authority – Environmental Health did not raise any concerns
Summary of actions taken or show how this has been covered
N/A

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

- Health and Safety Executive
- Malvern Hills Local Authority – Planning
- Director of Public Health

This proposal was also publicised on the Environment Agency's website between 13/02/2018 and 13/03/2018, but no representations were received during this period.