

# Permitting decisions

## Variation

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We have decided to grant the variation for Swarbrick Hall Poultry Unit operated by Mr John Smith.

The variation number is [EPR/XP3330VH/V003](#).

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

## Additional Carcass Incinerator

Prior to this variation the site operated a single carcass incinerator with a capacity of 49.5 kg per hour. This was listed in table S1.1 as the Directly Associated Activity of “carcass incineration”, described as the “operation of an incinerator for carcass disposal, Animal and Plant Health Agency (APHA) approved < 50 kg/hr”.

The addition of a further incinerator with a capacity of 49.5 kg per hour increased the aggregate capacity to 99 kg per hour. As this is >50 kg/hr the carcass incineration now has to be listed as scheduled activity 5.1 B (a) (vi), being the “incineration in a small waste incineration plant with an aggregate capacity of 50 kilogrammes or more per hour of animal carcasses”.

Local Authority Pollution Prevention and Control (LAPPC) Process Guidance Note 5/03(13) states that incinerator sites where there are more than one incinerator with an aggregate capacity of more than 50 kg/hr may operate as a low capacity site if the incinerators are operated separately, and that these <50kg/hr plant should not need any more monitoring than specified by the Animal Health and Veterinary Laboratories Agency (now known as the Animal and Plant Health Agency (APHA)). As both incinerators are APHA approved no additional monitoring specific to carcass incineration is 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](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 delivery and storage, shed ventilation and heating, litter management, carcass disposal, dirty water management, and house cleaning at the end of the production cycle.

### Odour Management Plan Review

This variation is to add 50,000 broiler places to the permit, but without any changes to the number of houses, and to add an additional carcass incinerator.

The closest sensitive receptors for odour is Caravan Park located approximately 150 metres to the north of the site. The operator owns a residential property approximately 170m west of the site, and a further residential property lies 275m west.

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 the NFU ‘Top tips for completing an Intensive Farming Odour Management Plan’ 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 and on the site for delivering feed, and litter and dirty water removal; small vehicles travelling to and from the farm; feed transfer from lorry to bins; noise from livestock; and building work and repairs.

### 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 100 metres away from the installation, is therefore not considered significant.

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.

## **Ammonia**

There are 4 Special Protection Areas (SPA), and 2 Ramsar sites located within 10 kilometres of the installation. There are 2 Sites of Special Scientific Interest (SSSI) located within 5 km of the installation. There are no Local Wildlife Sites (LWS), Ancient Woodlands (AW), or Local Nature Reserves (LNR) within 2 km of the installation.

### Ammonia assessment – SAC/SPA/Ramsar

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<sub>e</sub>) or critical load (CL<sub>o</sub>) 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 SPA/Ramsar.

Initial screening using ammonia screening tool version 4.5 has indicated that emissions from Swarbrick Hall Farm will only have a potential impact on the SPA/Ramsar sites with a precautionary critical level of 1µg/m<sup>3</sup> if they are within 4,434 metres of the emission source

Beyond 4,434m the PC is less than 0.04µg/m<sup>3</sup> (i.e. less than 4% of the precautionary 1µg/m<sup>3</sup> critical level) and therefore beyond this distance the PC is insignificant. In this case 3 of the SPA/Ramsars are beyond this distance (see table below) and therefore screen out of any further assessment.

Where the precautionary level of 1µg/m<sup>3</sup> 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/m<sup>3</sup> 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 – SPA/Ramsar Assessment**

Name of SPA/Ramsar	Distance from site (m)
Liverpool Bay SPA	9,076
Ribble & Alt Estuaries SPA	8,161
Ribble & Alt Estuaries Ramsar	8,161

Screening using the ammonia screening tool version 4.5 has determined that the PC on the SPA and Ramsar sites for ammonia emissions, nitrogen deposition, & acid deposition from the application site are under the 4% significance threshold and can be screened out as having no likely significant effect. See results below.

**Table 2 – Ammonia emissions**

Site	Critical level ammonia µg/m <sup>3</sup>	Predicted PC µg/m <sup>3</sup>	PC % of Critical level
Morecambe Bay and Duddon Estuary SPA	3*	0.048	1.6
Morecambe Bay SPA	3**	0.048	1.6
Morecambe Bay Ramsar	3*	0.048	1.6

\*Natural England advised that a CLe of 3 for ammonia should be applied across the Morecambe Bay and Duddon Estuary SPA, and the Morecambe Bay Ramsar (October 2017).

\*\*Cle for Morecambe Bay SPA taken from Air Pollution Information System (APIS) website ([www.apis.ac.uk](http://www.apis.ac.uk)) (October 2017)

**Table 3 – Nitrogen deposition**

Site	Critical load kg N/ha/yr	Predicted PC kg N/ha/yr.	PC % of critical load
Morecambe Bay and Duddon Estuary SPA	8*	0.248	3.1
Morecambe Bay SPA	8**	0.248	3.1
Morecambe Bay Ramsar	20*	0.248	1.2

\*Natural England advised appropriate critical load values to be applied across the Morecambe Bay and Duddon Estuary SPA, and the Morecambe Bay Ramsar (October 2017).

\*\* Critical load values taken from Air Pollution Information System (APIS) website ([www.apis.ac.uk](http://www.apis.ac.uk)) – (October 2017)

**Table 4 – Acid deposition**

Site	Critical load keq/ha/yr	Predicted PC keq/ha/yr.	PC % of critical load
Morecambe Bay and Duddon Estuary SPA	0.643*	0.018	2.8
Morecambe Bay SPA	0.643**	0.018	2.8
Morecambe Bay Ramsar	0.643*	0.018	2.8

\*Natural England advised appropriate critical load values to be applied across the Morecambe Bay and Duddon Estuary SPA, and the Morecambe Bay Ramsar (October 2017).

\*\* Critical load values taken from Air Pollution Information System (APIS) website ([www.apis.ac.uk](http://www.apis.ac.uk)) – (October 2017)

## 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 (CLe) or critical load (CLo) 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 Swarbrick Hall Farm will only have a potential impact on SSSI sites with a precautionary critical level of  $1\mu\text{g}/\text{m}^3$  if they are within 1,520 metres of the emission source.

Beyond 1,520m the PC is less than  $0.2\mu\text{g}/\text{m}^3$  (i.e. less than 20% of the precautionary  $1\mu\text{g}/\text{m}^3$  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  $1\mu\text{g}/\text{m}^3$  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  $1\mu\text{g}/\text{m}^3$  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 5 – SSSI Assessment**

<b>Name of SSSI</b>	<b>Distance from site (m)</b>
Marion Mere, Blackpool SSSI	4,532
Wyre Estuary SSSI	3,938

# Decision checklist

Aspect considered	Decision
<b>Receipt of application</b>	
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.
<b>Consultation/Engagement</b>	
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"> <li>• Local authority environmental protection department</li> <li>• Director of Public Health</li> <li>• Public Health England</li> <li>• Health and Safety Executive</li> </ul> <p>The comments and our responses are summarised in the <a href="#">consultation section</a>.</p>
<b>The facility</b>	
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>
<b>The site</b>	
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.
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 England on the application. The decision was taken in accordance with our guidance.</p>

Aspect considered	Decision
<b>Environmental risk assessment</b>	
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 <a href="#">key issues</a> for further information on odour, noise, and ammonia emissions.</p>
<b>Operating techniques</b>	
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 have not been amended following this variation.</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 the odour section of <a href="#">key issues</a> for further information.</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> <p>See the noise section of <a href="#">key issues</a> for further information.</p>
<b>Permit conditions</b>	
Updating permit conditions during consolidation	<p>We have updated permit conditions to those in the current generic permit template as part of permit consolidation. The conditions will provide the same level of protection as those in the previous permit(s).</p>
Use of conditions other than those from the template	<p>Based on the information in the application, we consider that we do not need to impose conditions other than those in our permit template.</p>
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"> <li>• Nitrogen: 0.6 kg N/animal place/year</li> <li>• Phosphorus: 0.25 kg P<sub>2</sub>O<sub>5</sub> animal place/year</li> <li>• Ammonia: 0.08 kg NH<sub>3</sub>/animal place/year</li> </ul>

Aspect considered	Decision
Monitoring	<p>We have decided that monitoring should be carried out for the parameters listed in the permit, using the methods detailed and to the frequencies specified.</p> <p>These monitoring requirements have been imposed in order to comply with the relevant BAT measures.</p> <p>We made these decisions in accordance with the BAT conclusion document dated 21st February 2017.</p> <p>See the <a href="#">key issues</a> of the decision section of this decision document for further information.</p> <p>Based on the information in the application we are [not fully] satisfied that the operator's techniques, personnel and equipment have either MCERTS certification or MCERTS accreditation as appropriate.</p>
Reporting	<p>We have specified reporting in the permit. These reporting requirements on monitoring data and performance parameters have been imposed in order to comply with the conditions of the permit.</p>
<b>Operator competence</b>	
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>
<b>Growth Duty</b>	
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.</p> <p>Paragraph 1.3 of the guidance says:</p> <p>“The primary role of regulators, in delivering regulation, is to achieve the regulatory outcomes for which they are responsible. For a number of regulators, these regulatory outcomes include an explicit reference to development or growth. The growth duty establishes economic growth as a factor that all specified regulators should have regard to, alongside the delivery of the protections set out in the relevant legislation.”</p> <p>We have addressed the legislative requirements and environmental standards to be set for this operation in the body of the decision document above. The guidance is clear at paragraph 1.5 that the growth duty does not legitimise non-compliance and its purpose is not to achieve or pursue economic growth at the expense of necessary protections.</p> <p>We consider the requirements and standards we have set in this permit are reasonable and necessary to avoid a risk of an unacceptable level of pollution. This also promotes growth amongst legitimate operators because the standards applied to the operator are consistent across businesses in this sector and have been set to achieve the required legislative standards.</p>



# Consultation

The following summarises the responses to consultation with other organisations, our notice on GOV.UK for the public and the way in which we have considered these in the determination process.

## Responses from organisations listed in the consultation section

<b>Response received from</b>
Public Health England, Centre for Radiation, Chemical and Environmental Hazards, Birmingham. Dated 13/03/2018.
<b>Brief summary of issues raised</b>
<p>PHE noted that their response was based on the assumption that the installation will comply in all respects with the requirements of all relevant domestic and European legislation, including:</p> <ul style="list-style-type: none"><li>• Environmental Permitting (England and Wales) Regulations 2010;</li><li>• Groundwater Regulations (2009) and the European Groundwater Directives (80/68/EEC and 2006/118/EC); and</li><li>• European Air Quality Framework Directive 96/62/EC and daughter directives and new Air Quality Directive 2008/50/EC.</li></ul> <p>PHE recommended that any Environmental Permit issued for this site should contain conditions to ensure that the following potential emissions do not impact upon public health: fugitive emissions, noise and odour.</p> <p>It was further recommended that the local authority environmental health department be consulted with regard to substantiated complaints.</p>
<b>Summary of actions taken or show how this has been covered</b>
<p>We consulted the local authority environmental protection department. No response was received. We have deemed the Applicant's approach to noise, odour, and ammonia satisfactory. Please see <a href="#">key issues</a> for further information.</p>

No other responses were received from organisations or members of the public.