

# Permitting decisions

## Variation

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We have decided to grant the variation for **Brookfield House Farm and Lower End Poultry Farm** operated by **Mr J and Mr S Hurst**

The variation number is **EPR/AP3036MK/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 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

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

## Introduction

This is a substantial variation to increase broiler numbers from 188,000 to 235,000.

The split of birds going forward will be 117,536 at Lower End Farm and 117,464 at Brookfield House Farm.

This is achieved with extension to poultry house 4 at Brookfield House Farm but no new poultry buildings.

There is no new housing introduced with this variation and therefore there is no requirement for BAT compliance review relevant to 2017 BAT conclusion requirements

## **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.

## **Ammonia**

### **Introduction**

There is one Other Conservation Site (Local Wildlife Sites) within the 2km screening criteria. There are no Sites of Special Scientific Interest (SSSI's) within the 5 km screening distance.

Based on using the new screening distance for European/Ramsar sites of 5 km for intensive farming installation (modified as of 04/05/18) there are no such sites within this new screening distance from the installation.

### **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.

It should be noted that due to the distance between the two farms within the single installation two screening assessments have been completed one for Lower End Farm and one for Brookfield House Farm.

The results are based on the worst case data from the two screening assessments.

### **Screening assessment**

Screening using the ammonia screening tool version 4.5 dated 17/03/18 has determined that the PC on the LWS/AW/LNR for ammonia emissions/nitrogen deposition/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 1 - Ammonia emissions**

Site	Critical level ammonia $\mu\text{g}/\text{m}^3$	Predicted PC $\mu\text{g}/\text{m}^3$	PC % of critical level
Cuncough Brook Grassland	3*	1.044	34.8 %

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

**Table 2 – Nitrogen deposition**

Site	Critical load kg N/ha/yr. *	Predicted PC kg N/ha/yr.	PC % of critical load
Cuncough Brook Grassland	10*	5.424	54.2

\* Critical load values taken from APIS website ([www.apis.ac.uk](http://www.apis.ac.uk)) – 17/03/18

**Table 3 – Acid deposition**

Site	Critical load keq/ha/yr*	Predicted PC keq/ha/yr.	PC % of critical load
Cuncough Brook Grassland	1.729*	0.387	22.4

\* Critical load values taken from APIS website ([www.apis.ac.uk](http://www.apis.ac.uk)) - 17/03/18

### Conclusion

The assessment confirmed that the impacts of the variation changes on these habitats sites are not significant and no further assessment is required.

## 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.

This variation includes a small increase to installation boundary at Brookfield House Farm to allow for the enlargement of poultry house 4 and addition of a biomass building and associated wood chip store.

The site condition report (SCR) for this installation (dated February 2018) demonstrates that there are no hazards or likely pathway to land or groundwater and no historic contamination on site that may present a hazard from the same contaminants. **Therefore, on the basis of the risk assessment presented in the SCR, we accept that they have not provided base line reference data for the soil and groundwater at the site at this stage.**

## Odour

Intensive farming is by its nature a potentially odorous activity. This is recognised in our 'How to Comply with your Environmental Permit for Intensive Farming' EPR 6.09 guidance ([http://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/297084/geho0110brsb-e-e.pdf](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:

- Poultry production to including: cleaning out, feed storage and filling of silos, animal movement and use of machinery
- Disposal of carcasses
- Litter/ dirty water spreading
- Dirty water tanks

Odour Management Plan Review

An odour management plan was submitted as part of the permit application because there are sensitive receptors within 400m of the installation boundary. Odour has been risk assessed in line with H1.

There are in total six relevant sensitive receptors within 400 metre criteria; however the closest is 200 metres from the installation boundary.

A revised OMP was requested from the operator to provide clarity on odour monitoring; the sensitive receptors within 400m have been listed, the normal operating scenarios and abnormal operating scenarios with odour control measures are listed, plus an odour complaint procedure and commitment to daily odour tours.

The final odour management plan, dated 19/03/18, details how activities on site will be managed to control odour in particular the delivery of feed and stock, litter management and dirty water management. The OMP outlines a complaints procedure should there be any complaints and the odour management plan will be reviewed every year or earlier if there are substantiated complaints. We are therefore satisfied that operations on site will reduce the risk of odour pollution and we consider the site to be low risk

## **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 (see previous section on 'Odour' listing sensitive receptors). 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. These activities are as follows: poultry clean out, feed, use of machinery and little/dirty water spreading.

We have assessed the NMP submitted with the application and the H1 risk assessment for noise and conclude that the Applicant has followed the guidance set out in EPR 6.09 Appendix 5 'Noise management at intensive livestock installations'. We are satisfied that all sources and receptors have been identified, and that the proposed mitigation measures will minimise the risk of noise pollution / nuisance.

## Noise Management Plan Review

The plan was received as part of the permit application. Operations likely to cause noise pollution are assessed and include: feeding, clean out, deliveries, litter loading and spreading. The noise management plan outlines control measures that will be taken to reduce any noise impact.

As for odour, the residences occupied by the farm manager and people associated with the farm are not considered as sensitive receptors as it is unlikely that noise will be perceived as a nuisance.

There is the potential for noise from the installation beyond the installation boundary. However the risk of noise beyond the installation boundary is considered unlikely to cause a nuisance.

## Conclusion

We have assessed the NMP and the H1 risk assessment for noise and conclude that the Applicant has followed the guidance set out in EPR 6.09 Appendix 5 'Noise management at intensive livestock installations'. We are satisfied that all sources and receptors have been identified, and that the proposed mitigation measures will minimise the risk of noise pollution / nuisance.

## **Dust and Bioaerosols**

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 two sensitive receptors within 100m of the Installation boundary. These are the farmhouses for Brookfield House and Lower End Farms.

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

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

In the guidance mentioned above it states that particulate concentrations fall off rapidly with distance from the emitting source. This fact, together with the proposed good management of the Installation such as keeping areas clean from build-up of dust, and other measures in place to reduce dust and risk of spillages (e.g. litter and feed management/delivery procedures) all reduce the potential for emissions impacting the nearest receptors. The Applicant has confirmed the following measures in their Dust Management Plan submitted 24/04/18 to reduce dust emissions:

- Use of feed delivered in sealed systems and stored in covered containers/silos
- Bedding and Litter Management to minimize dust emissions.
- Regular clearing of dust to prevent build up within buildings,
- roofs and around vents, as part of the disease control strategy.

## Conclusion

We are satisfied that the measures outlined in the Application will minimise the potential for dust and bio aerosol emissions from the Installation.

## Biomass boilers

The applicant is varying their permit to include two biomass boilers with a net aggregated rated thermal input of **1.529 MW** for two new boilers (0.99 and 0.53 MW individual boilers).

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 farms 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;

### For poultry:

- 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(s).

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(s).

Our risk assessment has shown that the biomass boilers should meet the requirements of the criteria above, and are, therefore, considered not likely to pose a significant risk to the environment or human health and no further assessment is required.

## 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</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>• Environmental Health (West Lancashire Local authority)</li><li>• Health and Safety Executive.</li><li>• Public Health England/Director of Public Health</li></ul> <p>The comments and our responses are summarised in the <a href="#">consultation section</a>.</p>

Aspect considered	Decision
<b>The site</b>	
Extent of the site of the facility	<p>The operator has provided a plan which we consider is satisfactory, showing the extent of the site of the facility.</p> <p>There are no new houses or changes to the installation boundary linked to this installation.</p>
Biodiversity, heritage, landscape and nature conservation	<p>The application is within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat.</p> <p>However there are no European /Ramsar Sites within 5 km screening distance of the installation or Sites of Special Scientific Interest within 5 km screening distance of the installation.</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 no additional impact on the relevant habitat sites as the ammonia mass emission from the installation will not increase with this variation. The assessment is provided in the key issues section of this document.</p> <p>We have not consulted Natural England on the application. The decision was taken in accordance with our guidance.</p>
<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>The assessment shows that, applying the conservative criteria in our guidance on environmental risk assessment all emissions may be categorised as environmentally insignificant.</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 that the applicant must use are specified in table S1.2 in the environmental permit.</p>
<b>Permit conditions</b>	
Updating permit conditions during consolidation	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 permits.
Pre-operational condition	A new PO has been added to allow provision of RHI certificate for new 0.53 MW thermal input boiler, as boiler installation is a long term future project.
Emission limits	We have decided that emission limits are required in the permit in accordance with the 2017 Intensive Farming BAT conclusion document requirements within Table S3.3 for existing housing to be complied with in 2021.

Aspect considered	Decision
Reporting	<p>We have specified process monitoring reporting in the permit within Table S4.1 for existing housing to be complied with in 2021</p> <p>We made these decisions in accordance with the 2017 Intensive Farming BAT conclusion document.</p>
Monitoring	<p>Monitoring requirements, based on 2017 Intensive Farming BAT conclusion document requirements, have been set within Table S3.3 for existing housing to be complied with in 2021.</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, newspaper advertising, (delete as appropriate) and the way in which we have considered these in the determination process.

There were no consultation or public responses. The advert and consultation deadline was the 4<sup>th</sup> June'18.