Permitting decisions

Bespoke permit

We have decided to grant the permit for Beech Farm operated by Mr Albert Harvey, Mr Tom Harvey, Mr Tim Harvey and Mr Adam Harvey

The permit number is EPR/SP3430JR.

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 34 BAT conclusion measures in total within the BAT conclusion document dated 21st February 2017.

We have sent out a schedule 5 or request for information 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 installations or new housing, in their document “Response to schedule 5..” and dated 10/04/18.

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	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 10/04/18, 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 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 10/04/18, 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 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 staff will perform a daily boundary walk to check the surrounding area for high levels of odour, as well as this checks will be performed on the surrounding area by persons who do not regularly work on the farm. • Visual (and nasal) inspections of potentially odorous activities will be carried out.
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. Example text: 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 10/04/18, which has been referenced in Table S1.2 Operating techniques of the Permit.
BAT 28 Monitoring of emissions and process parameters linked to - Ammonia, Odour and Dust emissions	Table S3.3 Processing monitoring requires the operator either to pursue Ammonia, Odour and Dust emission monitoring in line with BAT 25, 26 and 27 criteria as detailed above
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. Ammonia screening was completed using AST v4.5 and an emission factor of 0.034. We are satisfied that the applicant will meet 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

'New plant' is defined as plant first permitted at the site of the farm following the publication of the BAT conclusions.

All new bespoke applications issued after the 21st February, including those where there is a mixture of old and new housing, will now need to meet the BAT-AEL.

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 Beech Farm (September 2017) 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. These activities are as follows:

Cleaning out of the poultry sheds

Carcass storage

Dirty water tanks

Odour Management Plan Review

An odour management plan was received with the application on the 13/11/17. A schedule 5 notice was sent to the operator to provide further information and clarification; to identify and list all receptors within 400m, to provide further details on the complaints procedure and contingency plans. A revised odour management plan was received on the 10/04/18, and we are satisfied with the amendments.

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:

Vehicle movements,

Stocking and de-stocking of the poultry houses

Feeding

Cleaning out of the poultry sheds

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.

Noise Management Plan Review

We received a noise management plan with the application on the 13/11/17. A revised noise management plan was requested via a schedule 5 notice, to identify and list all sensitive receptors within 400m of the site, to specify the working hours and provide further details on the complaints procedure.

A revised plan was received on the 10/04/18, and we are satisfied with the amendments.

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.

Ammonia

The applicant has demonstrated that the housing will meet the relevant NH3 BAT-AEL.

There is 1 Special Area(s) of Conservation (SAC), site located within 10 kilometres of the installation. There are 4 Sites of Special Scientific Interest (SSSI) located within 5 km of the installation. There are also 4 Local Wildlife Site(s) (LWS), /Ancient Woodland(s) (AW), Local Nature Reserve(s) (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 (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 10 km of the SAC.

Initial screening using ammonia screening tool version 4.5 has indicated that emissions from Beech Farm will only have a potential impact on the SAC site with a precautionary critical level of 1µg/m^3 if they are within 3410 metres of the emission source.

Beyond 3410m the PC is less than 0.04µg/m^3 (i.e. less than 4% of the precautionary 1µg/m^3 critical level) and therefore beyond this distance the PC is insignificant. In this case the SAC is beyond this distance (see table below) and therefore screen out of any further assessment.

Where the precautionary level of 1µg/m^3 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^3 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 – SAC Assessment

Name of SAC/SPA/Ramsar	Distance from site (m)
Norfolk Valley Fens SAC	6654

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 Beech Farm will only have a potential impact on SSSI site(s) with a precautionary critical level of 1µg/m^3 if they are within 1290 metres of the emission source.

Beyond 1290m the PC is less than 0.2µg/m^3 (i.e. less than 20% of the precautionary 1µg/m^3 critical level) and therefore beyond this distance the PC is insignificant. In this case all SSSI(s) are beyond this distance (see table below) and therefore screen out of any further assessment.

Where the precautionary level of 1µg/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 1µg/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 2 – SSSI Assessment

Name of SSSI	Distance from site (m)
New Buckenham Common	3850
Lower Wood, Ashwellthorpe	3880
Aslacton Parish Land	4059
Forncett Meadows	4492

Ammonia assessment - LWS/AW/LNR

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 Beech Farm will only have a potential impact on the LWS/AW/NNR site(s) with a precautionary critical level of 1µg/m^3 if they are within 496 metres of the emission source.

Beyond 496m the PC is less than 1µg/m^3 and therefore beyond this distance the PC is insignificant. In this case all LWS/AW/LNR(s) are beyond this distance (see table below) and therefore screen out of any further assessment.

Table 3 – LWS/AW/LNR Assessment

Name of SAC/SPA/Ramsar	Distance from site (m)
Bunwell Wood LWS	1821
Grove Wood LWS	1876
Pond Farm Pond LWS	1425
Bunwell Wood AW	1819

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. The decision was taken in accordance with our guidance on confidentiality.
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. We consulted the following organisations: Public Health England Environmental Health Director of Public Health Health and Safety Executive 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', Appendix 1 of RGN 2 'Interpretation of Schedule 1', guidance on waste recovery plans and permits. The extent of the facility is defined in the site plan and in the permit. The activities are defined in table S1.1 of the permit.
The site	
Extent of the site of the facility	The operator has provided plans which we consider are satisfactory, showing the extent of the site of the facility including the discharge points. The plan is included in the permit.

Aspect considered	Decision
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	The application is within the relevant distance criteria of a site of heritage, landscape 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.
Environmental risk assessment	
Environmental risk	We have reviewed the operator's assessment of the environmental risk from the facility. The operator's risk assessment is satisfactory.
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 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.
Permit conditions	
Use of conditions other than those from the	Based on the information in the application, we consider that we do not need to

Aspect considered	Decision
template	impose conditions other than those in our permit template.
Emission limits	We have decided that emission limits are not required in the permit.
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. We made these decisions in accordance with BAT 25 and 27 which requires the monitoring of dust and ammonia emissions to air.
Reporting	We have specified reporting in the permit.
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. 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

Aspect considered	Decision
	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 – 12/02/18
Brief summary of issues raised
Potential emissions of bioaerosols, dust and particulate matter and ammonia from the poultry houses
Summary of actions taken or show how this has been covered
The permit contains conditions and monitoring requirements for emissions to air, and the installation has noise and odour management plans. The applicant has confirmed that the farm will operate in accordance with BAT