

Permitting decisions

Variation

We have decided to grant the variation for Bank House Farm operated by Yockleton Growers Ltd.

The variation number is EPR/EP3737RT/V005.

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

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 housing within variation applications** 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.

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 not duly made request requiring the Applicant to confirm that the new installation complies in full with all the BAT conclusion measures.

The Applicant has confirmed that they will comply with all BAT conditions for the new housing, in their email dated 18/04/2018.

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	0.6 kg N/animal place/year This confirmation was in response to the request for further information, received 18/04/2018, which has been referenced in Table S1.2 Operating Techniques of the Permit. Feed specifications are prepared by the feed compounder's nutrition specialist. Protein is reduced in accordance with SGN EPR6.09 'How to comply with your environmental permit for intensive farming'.
BAT 4 Nutritional management Phosphorous excretion	0.25 kg P ₂ O ₅ / animal place/year This confirmation was in response to the request for further information, received 18/04/2018, which has been referenced in Table S1.2 Operating Techniques of the Permit. Feed specifications are prepared by the feed compounder's nutrition specialist. Protein is reduced in accordance with SGN EPR6.09 'How to comply with your environmental permit for intensive farming'.
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 measure	Applicant compliance measure
BAT 25 Monitoring of emissions and process parameters - Ammonia emissions	
BAT 26 Monitoring of emissions and process parameters - Odour emissions	NA – no odour management plan in place as sensitive receptors greater than 400m from installation.
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 BAT conclusions 27 and 28.
BAT 28 Monitoring of emissions and process parameters linked to - Ammonia, Dust and Odour emissions	
BAT 32 Ammonia emissions from poultry houses - Broilers	0.08 kg NH ₃ /animal place/year The Applicant will meet this as the emission factor for broilers is 0.034 kg NH ₃ /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.

For variations all new housing on existing farms will need to meet the BAT-AEL. In this case the new houses 7 and 8 will need to meet the BAT AELs.

Ammonia emissions habitats assessment

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

There are two Special Areas of Conservation (SAC) located within 10 kilometres of the installation. There are two Sites of Special Scientific Interest (SSSI) located within 5 km of the installation. There is also one Local Wildlife Site (LWS) and one Ancient Woodland (AW) within 2 km of the installation.

Ammonia assessment – SAC

The following trigger thresholds have been designated for the assessment of European sites:

- If the process contribution (PC) is below 4% of the relevant critical level (CL_e) or critical load (CL_o) then the farm can be permitted with no further assessment.
- Where this threshold is exceeded an assessment alone and in combination is required.

- An in combination assessment will be completed to establish the combined PC for all existing farms identified within 10 km of the SAC.

Initial screening using ammonia screening tool version 4.5 has indicated that emissions from Bank House Farm will only have a potential impact on the SAC sites with a precautionary critical level of $1\mu\text{g}/\text{m}^3$ if they are within 5648 metres of the emission source.

Beyond 5648m the PC is less than $0.04\mu\text{g}/\text{m}^3$ (i.e. less than 4% of the precautionary $1\mu\text{g}/\text{m}^3$ critical level) and therefore beyond this distance the PC is insignificant. In this case the SACs 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 4% 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 significant effect

Table 1 – SAC Assessment

Name of SAC	Distance from site (m)
The Stiperstones & The Hollies SAC	8,013
The Stiperstones & The Hollies SAC	8,650

No further assessment is required.

Ammonia assessment – SSSI

The following trigger thresholds have been applied for assessment of SSSIs:

- If the process contribution (PC) is below 20% of the relevant critical level (CL_e) or critical load (CL_o) then the farm can be permitted with no further assessment.
- Where this threshold is exceeded an assessment alone and in combination is required. An in combination assessment will be completed to establish the combined PC for all existing farms identified within 5 km of the SSSI.

Initial screening using the ammonia screening tool version 4.5 has indicated that emissions from Bank House 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 1995 metres of the emission source.

Beyond 1995 m 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 the 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 and no further assessment is required.

Table 2 – SSSI Assessment

Name of SSSI	Distance from site (m)
River Severn at Montford SSSI	4,254
Earl's Hill & Habberley Valley SSSI	5,069

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 (CL_e) or critical load (CL_o) then the farm can be permitted with no further assessment.

Initial screening using ammonia screening tool version 4.5 has indicated that emissions from Bank House Farm will only have a potential impact on the LWS/AW sites with a precautionary critical level of $1\mu\text{g}/\text{m}^3$ if they are within 707 metres of the emission source.

Beyond 707m the PC is less than $1\mu\text{g}/\text{m}^3$ and therefore beyond this distance the PC is insignificant. In this case the LWS/AW are beyond this distance (see table below) and therefore screen out of any further assessment.

Table 3 – LWS/AW Assessment

Name of LWS/AW	Distance from site (m)
Cardeston Quarry LWS	2,173
Unnamed Ancient Woodland AW	976

Decision checklist

Aspect considered	Decision
Receipt of application	
Confidential information	A claim for commercial or industrial confidentiality has not been made.
Identifying confidential information	<p>We have not identified information provided as part of the application that we consider to be confidential.</p> <p>The decision was taken in accordance with our guidance on confidentiality.</p>
Consultation	
Consultation	<p>The consultation requirements were identified in accordance with the Environmental Permitting Regulations and our public participation statement.</p> <p>The application was publicised on the GOV.UK website.</p> <p>We consulted the following organisations:</p> <ul style="list-style-type: none"> • Environmental Health; and • Health and Safety Executive <p>No responses were received.</p>
The facility	
The regulated facility	<p>We considered the extent and nature of the facility at the site in accordance with RGN2 'Understanding the meaning of regulated facility', 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.</p> <p>The extent of the facility is defined in the site plan and in the permit. The activities are defined in table S1.1 of the permit.</p>
The site	
Extent of the site of the facility	The operator has provided a plan which we consider is satisfactory, showing the extent of the site of the facility. The plan is included in the permit.
Site condition report	The operator provided a description of the condition of the site which covered the new area of land, which we consider is satisfactory. The decision was taken in accordance with our guidance on site condition reports and baseline reporting under the Industrial Emissions Directive.
Biodiversity, heritage, landscape and nature conservation	<p>The application is within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat.</p> <p>We have assessed the application and its potential to affect all known sites of nature conservation, landscape and heritage and/or protected species or habitats identified in the nature conservation screening report as part of the permitting process.</p> <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
	See Key Issues 'Ammonia emissions' section for further information.
Environmental risk assessment	
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 biomass boilers and poultry litter burner satisfy the Environment Agency's screening criteria and therefore no further assessment is required.</p> <p>See Key Issues.</p>
Operating techniques	
General operating techniques	<p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes and we consider them to represent appropriate techniques for the facility.</p> <p>The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.</p> <p>The proposed techniques for priorities for control are in line with the benchmark levels contained in the Sector Guidance Note EPR6.09 and we consider them to represent appropriate techniques for the facility. The permit conditions ensure compliance with relevant BREFs.</p>
Permit conditions	
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 permit(s).
Use of conditions other than those from the template	Based on the information in the application, we consider that we do not need to impose conditions other than those in our permit template.
Emission limits	<p>ELVs and/or equivalent parameters or technical measures based on BAT have been set for the following substances:</p> <ul style="list-style-type: none"> • kg N excreted/animal place/year • kg P₂O₅ excreted/animal place/year • Kg NH₃/animal place/year <p>There will be additional housing as a result of this variation which will have to comply with the BAT requirements from variation issue – in this case for houses 7 and 8. Existing housing does not need to comply with these emission limits until 21/02/21. Details with regards to how the operator will comply with these BAT requirements will be the subject of a future sector permit review.</p> <p>See key issues.</p>
Monitoring	<p>We have decided that monitoring should be carried out for the parameters listed in the permit, using the methods detailed and to the frequencies specified.</p> <p>These monitoring requirements have been imposed in order to meet the</p>

Aspect considered	Decision
	<p>requirements of BAT Conclusions 24, 25 and 27 of the IRPP BAT Conclusions.</p> <p>We made these decisions in accordance with the IRPP BAT Conclusions.</p> <p>There will be additional housing as a result of this variation which will have to comply with the BAT requirements from variation issue – in this case for houses 7 and 8. Existing housing does not need to comply with these emission limits until 21/02/21. Details with regards to how the operator will comply with these BAT requirements will be the subject of a future sector permit review.</p> <p>See key issues.</p>
Reporting	<p>We have specified reporting in the permit. This is in line with BAT Conclusions 24, 25 and 27 of the IRPP BAT Conclusions.</p> <p>We made these decisions in accordance with the IRPP BAT Conclusions.</p> <p>There will be additional housing as a result of this variation which will have to comply with the BAT requirements from variation issue – in this case for houses 7 and 8. Existing housing does not need to comply with these emission limits until 21/02/21. Details with regards to how the operator will comply with these BAT requirements will be the subject of a future sector permit review.</p> <p>See key issues.</p>
Operator competence	
Management system	<p>There is no known reason to consider that the operator will not have the management system to enable it to comply with the permit conditions.</p>
Growth Duty	
Section 108 Deregulation Act 2015 – Growth duty	<p>We have considered our duty to have regard to the desirability of promoting economic growth set out in section 108(1) of the Deregulation Act 2015 and the guidance issued under section 110 of that Act in deciding whether to 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

None received

Representations from community and other organisations

None received

Representations from individual members of the public.

None received