

Permitting decisions

Bespoke permit

We have decided to grant the permit for Valley View Poultry Unit operated by Mr Robert Ernest Povall, Mrs Susan Jane Povall & Mrs Mary Jean Povall. (Trading as G & M Povall & Son (Partnership)).

The permit number is EPR/LP3936YB.

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

We have assessed your application and a 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. 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	A BAT Associated Emission Level (AEL) provides us with a performance benchmark to determine whether an activity is BAT. The BAT Conclusions document does not have a BAT AEL for pullets and therefore a Nitrogen excretion emission limit value has not been included within 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	A BAT Associated Emission Level (AEL) provides us with a performance benchmark to determine whether an activity is BAT. The BAT Conclusions document does not have a BAT AEL for pullets and therefore a Phosphorus excretion emission limit value has not been included within 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 24 Monitoring of emissions and process parameters - total nitrogen and total phosphorus	A BAT Associated Emission Level (AEL) provides us with a performance benchmark to determine whether an activity is BAT. The BAT Conclusions document does not have a BAT AEL for pullets and therefore a Nitrogen or phosphorous excretion emission limit value has not been included within the permit. Table S3.3 Process monitoring requires the operator to undertake relevant monitoring that complies with these BAT conclusions
BAT 25 Monitoring of	The operator has undertaken to monitor ammonia emissions by estimation using emission

BAT measure	Applicant compliance measure
emissions and process parameters - Ammonia emissions	factors 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: <ul style="list-style-type: none"> • 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. <p>The Applicant has confirmed they will report the dust emissions to the Environment Agency annually by multiplying the dust emissions factor for pullets by the number of birds on site.</p> <p>This confirmation was in the application received 27.12.17, which has been referenced in Table S1.2 Operating techniques of the Permit.</p>

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. The BAT Conclusions document does not have a BAT AEL for pullets and therefore an ammonia emission limit value has not been included within the permit.

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 Valley View Farm (dated 24/10/217) 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:

Feed & Water
Litter and Manure Management
Ventilation
Building Design and Maintenance
Catching / Destocking
Cleaning Out
Spent Litter / Manure
Carcasses
Housekeeping
Dust
Contingencies and Accidents

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:

Ventilation Fans;
Fuel and Feed Deliveries;
Feeding Systems;
Alarm Systems;
Heating Systems
Bird Catching;
Clean Out Operations;
Maintenance and Repairs;
Set up and Placement;
Standby Generator Testing.

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 Bio aerosols

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 is one sensitive receptor within 100m of the Installation boundary, the nearest sensitive receptor (the nearest point of their assumed property boundary) is approximately 50m from the installation boundary.

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.

As there are receptors within 100m of the Installation, the Applicant 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 operating techniques to reduce dust:

Vehicle Movement on and off site
Manufacture and selection of Feed
Feed Delivery and Storage
Ventilation Systems
Bedding Materials
Litter Management
House Clean out
Removal of litter
Screening of the site

Conclusion

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

Ammonia

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

There are No Special Area(s) of Conservation (SAC), /Special Protection Area(s) (SPA), /Ramsar sites located within 10 kilometres of the installation. There are 8 Sites of Special Scientific Interest (SSSI) located within 5 km of the installation. There are also 2 Local Wildlife Sites (LWS) and 3 Ancient Woodlands (AW) within 2 km of the installation.

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 Valley View Poultry Unit will only have a potential impact on SSSI sites with a precautionary critical level of 1µg/m³ if they are within 927 metres of the emission source.

Beyond 927m the PC is less than 0.2µg/m³ (i.e. less than 20% of the precautionary 1µg/m³ 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 1µg/m³ 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/m³ 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)
Oak Dingle	4652
Prince's Rough	4723
Wolverton Wood and Alcaston Coppice	3663
Eaton Track	3476
Marked Ash Meadows	3424
Upper Millichope Stream Section	2498
Hazeldine Coppices	1874
Childshill Coppice	1933

No further assessment is required.

Ammonia assessment – LWS and 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 Valley View Poultry Unit will only have a potential impact on the LWS and AW sites with a precautionary critical level of 1µg/m³ if they are within 324 metres of the emission source.

Beyond 324m the PC is less than 1µg/m³ and therefore beyond this distance the PC is insignificant. In this case all LWS and AWs are beyond this distance (see table below) and therefore screen out of any further assessment.

Table 3 – LWS and AW Assessment

Name of LWS or AW	Distance from site (m)
Hazeldine Coppices (LWS) & (AW)	1874
Munslow Common (LWS)	2134
Childshill Coppice (AW)	1933

No further assessment is necessary

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	<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> <p>Public Health England and Director Public Health</p> <p>Food Standards Agency</p> <p>Local Authority - Shropshire Council, Planning and Environmental Health.</p> <p>The comments and our responses are summarised in the consultation section.</p>
Engagement	<p>After consultation with EA Area colleagues we decided to write to local residents informing them of the application for a permit.</p> <p>The comments and our responses are summarised in the consultation section of this document.</p>
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	<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 plans which we consider is satisfactory, showing the extent of the site of the facility. 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	<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 consulted Natural England for information only on the application. The decision was taken in accordance with our guidance.</p>
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>
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>Include the following if there is an operating techniques table</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, such as</p> <ul style="list-style-type: none"> Computer controlled ventilation Deep litter in the poultry shed to around 2cm Age dependent food selection, with dry feed system Nipple drinking water system, to keep litter dry Computer controlled gas heating system Mortalities removed daily <p>The permit conditions ensure compliance with relevant BREFs.</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>

Aspect considered	Decision
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>
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.
Emission limits	We have decided that emission limits are not required in the permit.
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 ensure compliance with BAT. We made these decisions in accordance with BAT conclusion document dated 21st February 2017</p>
Reporting	<p>We have specified reporting in the permit.</p> <p>We made these decisions in accordance with BAT conclusion document dated 21st February 2017.</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> <p>The decision was taken in accordance with the guidance on operator competence and how to develop a management system for environmental permits.</p>
Relevant convictions	<p>The Case Management System and National Enforcement Database has/have been checked to ensure that all relevant convictions have been declared.</p> <p>No relevant convictions were found. The operator satisfies the criteria in our guidance on operator competence.</p>
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	<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 vary 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</p>

Aspect considered	Decision
	<p>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

Response received from
Public Health England
Brief summary of issues raised
No significant concerns raised
Summary of actions taken or show how this has been covered
Standard conditions have been applied.

Response received from
Shropshire Council (Planning)
Brief summary of issues raised
<p>Recent case law has provided the following information with regard to the need to assess ‘in-combination effects’ of plans and projects on European designated sites: ‘A High Court judgment was handed down on 20 March 2017 in Wealden District Council v Secretary of State for Communities and Local Government, Lewes District Council and South Downs National Park Authority [2017] EWHC 351. Wealden District Council brought a challenge against a Joint Core Strategy produced by two of its neighbouring authorities. Natural England provided advice to Lewes District Council and the South Downs National Park Authority on the assessment of air quality impact on Ashdown Forest SAC. This advice was based on nationally developed guidance agreed with other UK statutory nature conservation bodies. The court found that Natural England’s advice on the in-combination assessment of air quality impacts in this case was flawed’.</p> <p>Due to this, and current communication with Environment Agency and Natural England, Shropshire Council has concluded, in line with Natural Resource Wales Guidance Note 20, that due to the emissions from intensive livestock units and their rural setting, they need to be considered in combination with other activities to ensure damage does not occur to SSSI designations.</p>
Summary of actions taken or show how this has been covered
They Agency is taking the above comments into account and intends to produce a position statement, until that time the standard conditions have been applied.

Representations from individual members of the public.

Brief summary of issues raised
14 responses from concerned individuals which raised Concerns around - impacts from increased Nitrogen and or Ammonia on <ul style="list-style-type: none">- Human health- Locally sensitive sites including SSSI's, AONB, River Corve, River Teme.- Error re numbers of birds on site in the application, see below- the choice of location for the site, (This is a planning issue)- that adequate measures be put in the permit so as to mitigate risks- impacts on tourism (This is a planning issue)
Summary of actions taken or show how this has been covered
With respect to the above issues raised we have concluded There are no qualifying human habitation with 100m therefore a bio aerosol impact assessment is not required, however the operator has addressed dust within their risk assessment. Locally sensitive sites have been assessed and there was found to be no significant impacts due to ammonia. The operator has a Noise & Odour Management Plan, as part of their Environmental Management Plan. There was an error in the application stating the unit would have 72,000 bird places, when the application was actually for 76,000 bird places, all assessments have been carried out using the larger number of birds, hence worse case. The application has used BAT (Best Available Techniques) to ensure all necessary measures are in place to ensure no pollution off site. Site location and effects on tourism are planning issues and therefore we cannot respond. .