

Permitting decisions

Bespoke permit

We have decided to grant the permit for Broomfield Farm Free Range Poultry Unit operated by Wot-An-Egg Limited.

The permit number is EPR/UP3232JY.

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. The introductory note summarises what the permit covers.

Key issues of the decision

1) 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 was published on the 21 February 2017. There is now a separate BAT Conclusions document which sets out the standards that permitted farms have to meet. All new installation farming permits issued after 21 February 2017 must be compliant in full from the first day of operation. 'New plant' is defined as plant first permitted at the site of the farm following the publication of the BAT conclusions.

There are some new requirements for permit holders. The conclusions include BAT Associated Emission Levels (BAT-AELs) for ammonia which apply to the majority of permits as well as BAT-AELs for nitrogen and phosphorous excretion. All new bespoke applications issued after the 21 February need to meet the BAT-AEL. For some types of rearing practices stricter standards apply to farms and housing permitted after the new BAT Conclusions are published. There are 33 BAT conclusion measures in total within the BAT Conclusions document dated 21 February 2017.

A BAT-AEL provides us with a performance benchmark to determine whether an activity is BAT. The new BAT Conclusions include a set of BAT-AELs for ammonia emissions to air from animal housing for laying hens and therefore an ammonia emission limit value has been included within the permit.

BAT Measure	Applicant Compliance Measure
BAT 3 – nutritional management for nitrogen excretion.	BAT-AEL for free range laying hens (aviary system) is 0.4 to 0.8kgN/animal place/yr.
BAT 4 - nutritional management for phosphorous excretion.	BAT-AEL for free range laying hens (aviary system) is 0.10 to 0.45kgP/animal place/yr.
BAT 24 – monitoring of emissions and process parameters for total nitrogen and phosphorous excreted.	Table S3.3: Process monitoring. This table requires the applicant to undertake relevant monitoring that complies with these BAT Conclusions.
BAT 25 - monitoring of emissions and process parameters for ammonia emissions.	
BAT 27 - monitoring of emissions and process parameters for dust emissions.	
BAT 31 – ammonia emissions from poultry houses for laying hens: non-caged systems.	BAT-AEL for free range laying hens (aviary system) is 0.13kgNH ₃ /animal place/yr.

The requirements are given in Table S3.3 - process monitoring requirements – and the applicant is required to undertake relevant monitoring that complies with these BAT conclusions.

The applicant has confirmed their compliance with the new BAT conditions for the new housing in their application dated 22 March 2018.

The changes have been incorporated within the permit template for application EPR/UP3232JY/A001, the main alterations to the permit are as follows but are not limited to:

- Sections 1.1, 1.2, 1.3, 1.4, 2.1, 2.3, 3.2 and 4.2
- Schedules 3 and 4.

2) 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. As a result of the requirements of the IED, all permits are now required to contain a condition relating to protection of soil, groundwater and groundwater monitoring. However, the Environment Agency's Guidance states that it is only necessary for the applicant 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.

The Guidance further states that it is not essential for the applicant 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 Broomfield Farm Free Range Poultry Units (dated 28 February 2018) demonstrates that there are no hazards or likely pathways 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.

3) 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 house clean out, movement of feed/feed delivery, house ventilation, litter management, carcass disposal, dirty water management, abnormal operations and litter storage. Twice daily olfactory checks coinciding with stock inspections (normally 07.00hrs to 10.00hrs and 16.00hrs to 19.00hrs) will be undertaken if required and any abnormalities recorded and investigated.

We have assessed the OMP and the H1 risk assessment for odour and conclude that the Applicant has followed the guidance set out in EPR 6.09 and Environment Agency guidance on preparing OMPs for Intensive Farm installations. We are satisfied that all sources and receptors have been identified, and that the proposed mitigation measures will minimise the risk of odour pollution/nuisance.

4) 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 400m of the Installation boundary and the applicant has provided a 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 vehicle movements, egg collection, bird catching, clean-out, ventilation fans, feed delivery and transfer, fuel delivery, alarms and the standby generators. A walk around assessment will be conducted twice daily (07:00hrs to 10:00hrs and 16:00hrs to 19:00hrs) to establish possible sources of noise emissions and consideration given to different operations occurring during the whole of the production cycle.

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 nuisance.

5) Ammonia Impacts

There is one Site of Special Scientific Interest (SSSI) within 3.9km, two Local Wildlife Sites (LWS) within 2.6km and one Ancient Woodland (AW) within 2.7km of the facility.

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. Initial screening using the ammonia screening tool (AST) spreadsheet v4.5 has indicated that Pilmoor SSSI screens out at CLe 1 due to its distance from the site. Therefore, it is possible to conclude that there is not a potential risk of damage at this site from this installation and no further action is required.

Assessment of LWSs and AW:

The following trigger thresholds have been applied for the assessment of non-statutory LWS and AW:

- If PC is <100% of relevant CLe or CLo then the farm can be permitted (H1 or ammonia screening tool)
- If the predicted environmental contribution (PEC) < CLe or CLo then the farm can be permitted
- If further modelling shows PC <100%, then the farm can be permitted.

Initial screening using the AST spreadsheet v4.5 has indicated that Brafferton Embankment and Brafferton Spring Wood LWSs as well as Brafferton Spring AW all screen out at CLe 1 due to distance. Therefore, it is possible to conclude no damage and that no further assessment is necessary.

6) Poultry Free Range Area Management

There is no specific guidance available on range management to protect the environment but all keepers are required to follow DEFRA's *'Protecting our Water, Soil and Air A Code of Good Agricultural Practice for farmers, growers and land managers'* guidance to minimise the risk of Avian Influenza by preventing birds from having direct access to watercourses. If the range gets very wet the birds can poach the surface and increase the risk of potentially contaminated run-off. Run-off from poached land should not be allowed to enter a watercourse without interception/treatment. This is particularly relevant for 'Site E' as the installation boundary is adjacent to the River Swale along the north-east boundary. Fencing off watercourses and poached areas, maintaining a good grass sward, reseeding grass sward, physical barriers between the ranging area and the nearby watercourse and providing a buffer zone can be used as standard good risk management.

The pollution potential from manure on free-range poultry ranges is usually limited as the majority of manure is collected within the sheds. Typically only 20% of birds are likely to be outside at any one time, although this will vary. Birds congregate around the pop holes and it is useful to have a different surface in this area and something that will not poach. If required these areas could drain into a SUDS system designed to cope with some lightly contaminated run-off. Manure that is deposited outside on the range will be reasonably well dispersed but rotating the fields is good practice if possible. Houses should be sited to try and avoid steep slopes.

At Broomfield Farm Free Range Poultry Unit the operator is proposing the following free range management measures for each of the four sites:

- permanent ring fence to deter predators
- range areas are paddocked (electric fences) to allow for rotation to maintain good grass coverage
- upto 20% of each range area to be planted with trees (mixture of native species with some evergreen). Initially artificial shades will be used until the trees are mature enough to provide cover
- areas under the pop holes are of rolled stone covered with a layer of bark/wood chip to be replenished as needed during the crop cycle, removed at the end of the cycle and taken away with the litter.

In accordance with RGN2 'Understanding the meaning of regulated facility: Appendix 3 – Interpretation of Farming Installations', farmers, growers and land managers have a responsibility to protect the wider environment.

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 any information provided as part of the application that we consider to be confidential.
Consultation	
Consultation	<p>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:</p> <ul style="list-style-type: none"> ➤ Local Authority (Environmental Health and Planning) ➤ Public Health England ➤ Health and Safety Executive. <p>The comments and our responses are summarised in the consultation responses section.</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	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. A site plan is included in the permit.
Site condition report	<p>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.</p> <p>The site condition report (SCR) for Broomfield Farm Free Range Poultry Unit (dated 28 February 2018) demonstrates that there are no significant hazards or likely pathways to land or groundwater and no historic contamination sources on site that may present a significant risk.</p> <p>Therefore, on the basis of the assessment presented in the SCR the</p>

Aspect considered	Decision
	Environment Agency accepts that no baseline reference data needs to be provided for the site soil and groundwater conditions as part of application EPR/UP3232JY/A001.
Biodiversity, heritage, landscape and nature conservation	<p>The application is within the relevant distance criteria of several sites of nature conservation. We have assessed the application and its potential to affect all known sites of nature conservation identified in the nature conservation screening report as part of the permitting process.</p> <p>We consider that the application will not affect any of the sites of nature conservation identified for the reasons outlined in the key issues section. The decision was taken in accordance with our guidance.</p> <p>In accordance with our guidance, as there are statutory sites within 5km of the installation that potentially may be affected by the installation, we completed an Appendix 4 CRoW Act Assessment for Pilmoor SSSI for information only for Natural England on 17 April 2018.</p>
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	<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. The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.</p> <p>The operation of the farm will be in accordance with SGN EPR6.09 'How to comply with your environmental permit for intensive farming'</p>
Operating techniques for emissions that screen out as insignificant	Emissions of ammonia to air have been screened out as insignificant and so we agree that the applicant's proposed techniques are BAT for the installation. We consider that the emission limits included in the installation permit reflect the BAT for the sector.
Odour management	We have reviewed the Odour Management Plan (OMP) in accordance with our guidance. The definition of sensitive receptor excludes properties associated with the farm. We consider that the OMP is satisfactory.
Noise management	We have reviewed the Noise Management Plan (NMP) in accordance with our guidance. The definition of sensitive receptor excludes properties associated with the farm. We consider that the NMP is satisfactory.
Permit conditions	
Emission limits	Emission limits have been added as a result of the recently published BAT Conclusions. BAT-AELs based on BAT have been set in the permit for ammonia, total nitrogen and total phosphorus.
Monitoring	With the publication of the IRPP BAT Conclusion Document, we have included monitoring for the parameters listed in the permit, using the methods detailed and to the frequencies specified. These monitoring requirements

Aspect considered	Decision
	have been added in order to comply with the IRPP BAT Conclusion Document and are not related to any perceived issues with the operation of the installation.
Reporting	With the publication of the IRPP BAT Conclusion Document, we have specified reporting in the permit. These reporting requirements have been added in order to comply with the IRPP BAT Conclusion Document and are not related to any perceived issues with the operation of the installation.
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 has 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	<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. 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

Response received from: Public Health England (PHE) dated 22 May 2018.
Brief summary of issues raised
An accident management plan has not been provided.
Summary of actions taken or show how this has been covered
Accident Management is covered primarily by the conditions under 1.1 of the permit. An Emergency Action Plan was submitted by the Applicant with the original application on 22 March 2018 which may have been missed by PHE. It covers fire, pollution prevention, disease, failure of infrastructure and power, containment, inventories, emergency contacts and who is responsible.

Response received from: Harrogate Environmental Health dated 23 May 2018.
Brief summary of issues raised
<p><u>Noise:</u></p> <p>It is not clear what the level of sound will be from the main on site noise generating sources and any detrimental effect on sensitive premises during the day and night. Daytime noise monitoring is mentioned but not evening or night time. It is recommended that noise generating operations mentioned such as clean out, maintenance, repairs, deliveries and dispatches are restricted to 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 Saturdays with nothing on Sundays and Bank Holidays unless an emergency.</p> <p><u>Insect (flies):</u></p> <p>A pest control contract to prevent and control flies (should a nuisance arise) is too late. Recommend that preventative measures and early identification of a potential issues through effective monitoring and a suitable insect management plan should be in place.</p>
Summary of actions taken or show how this has been covered
<p><u>Noise:</u></p> <p>A site specific Noise Management Plan has been submitted by the Applicant for the site as well as a Noise Risk Assessment identifying the main risks from the site on identified sensitive receptors. Condition 3.4.1 in the permit requires activities to 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. The Environment Agency do not specify operational times within an environmental permit as this relates to planning conditions and ties in with other potential noise producing sources from the site such as traffic movements and site construction. The Applicant will be undertaking walk around assessments twice daily (07:00 to 10:00 and 16:00 to 19:00) to establish possible sources of noise emissions. It is unlikely that noise generating operations will be undertaken during evening/night time hours other than catching where specialist catchers are used to minimise noise creation and distress to the birds.</p> <p>A noise complaints recording system will be in place for the site and if unacceptable noise levels from the operations are substantiated then the Environment Agency is able to request and enforce changes to site operations and improvements to the site to reduce noise.</p> <p><u>Insect (flies):</u></p> <p>Conditions 3.6.1 and 3.6.2 in the permit require activities not to give rise to the presence of pests which are likely to cause pollution, hazard or annoyance outside the boundary of the site. Where this is deemed to</p>

be occurring then the Environment Agency will enforce these conditions and the facility will then need to be operated in accordance with a site specific pest management plan.

The Local Authority Planning Department and the Health and Safety Executive were consulted on this application. However, consultation responses were not received.

The application was advertised externally on the GOV.UK website between 23 April 2018 and 22 May 2018 to invite any responses and comments from the general public. No responses were received.