Permitting decisions

Bespoke permit

We have decided to grant the permit for Laburnum Poultry Farm operated by Annyalla Chicks (UK) Broilers Limited.

The permit number is EPR/AP3331YV.

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

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 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 their compliance with all BAT conditions for the new installation, in their document reference 'Laburnum Poultry Farm, Langrick – Technical Standards' document reference LPF 011 Version No. 01 dated 02/03/18 and received 04/04/18.

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 Not Duly Made Request for Further Information, reference 'Laburnum Poultry Farm, Langrick – Technical Standards' document reference LPF 011 Version No. 01 dated 02/03/18 and received 04/04/18, 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. In order to reduce total nitrogen and phosphorus excreted and consequently ammonia emissions while meeting the nutritional needs of the animas the following will be undertaken at the Poultry Site; • Diet formulation adapted to specific requirements of the production period, as detailed in the Technical Standards.
BAT 4 Nutritional management	The Applicant has confirmed it will demonstrate it achieves levels of

BAT measure	Applicant compliance measure
Phosphorous excretion	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 Not Duly Made Request for Further Information, reference 'Laburnum Poultry Farm, Langrick – Technical Standards' document reference LPF 011 Version No. 01 dated 02/03/18 and received 04/04/18, 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 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: • Internal relative humidity and temperature are measured and recorded daily. This is captured automatically but is also recorded manually as a back-up. • Litter quality is assessed for moisture level and recorded daily. • Daily stock checks are made to detect abnormally high housekeeping odours. • Checks of the surrounding areas and perimeters by staff who do not work regularly on the farm.
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. 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 Not Duly Made Request for Further Information, reference 'Laburnum Poultry Farm, Langrick – Technical Standards' document reference LPF 011 Version No. 01 dated 02/03/18 and received 04/04/18, which has been referenced in Table S1.2 Operating Techniques of the Permit.
BAT 32 Ammonia emissions from poultry houses • Broilers	The BAT-AEL to be complied with is 0.01 – 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.

'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 Laburnum Poultry Farm (dated 30/03/18 and received 04/04/18) 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 delivery and storage
- Ventilation and Dust
- Litter management
- Carcass disposal
- House wash-out at the end of the production cycle
- Washing operations including vehicles
- Dirty water management

Odour Management Plan Review

The odour management plan (OMP) identifies the one receptor within 400 metres of the permit boundary. The only sensitive receptor to odour within 400 metres of the installation is Elm Tree Cottage, which is located approximately 285 metres to the west of the installation.

Laburnum House located approximately 235 metres to the west of the installation is not considered to be a sensitive receptor to odour, as it is owned and occupied by the Operators of the installation. Therefore it is not considered to be a sensitive receptor to odour or other amenity issues arising from the installation.

The Operator is required to manage the installation activities in accordance with condition 3.3.1 of the permit and the OMP. Operations with the most potential to cause an odour emissions have been assessed as those listed above. The Odour Management Plan covers control measures, in particular, procedural controls addressing feed management, ventilation, litter condition and management, bird destocking/restocking, clean out operations, management of used litter and dirty water.

We, the Environment Agency, have reviewed and approved the Odour Management Plan. The Operator's compliance with the OMP will minimise the risk of odour pollution beyond the installation boundary and the risk of odour pollution at sensitive receptors. We agree with the scope and suitability of key measures but this should not be taken as confirmation that the details of equipment specification design, operation and maintenance are suitable and sufficient. That remains the responsibility of the Operator.

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 the Odour section above. The Operator has provided a noise management plan (NMP) as part of the Application supporting documentation, and further details are provided in the Noise Management Plan Review 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:

- Feed deliveries
- Feeding systems
- Fuel deliveries
- Alarm systems
- Bird catching
- Clean out operations
- Maintenance and repairs
- Set up and placement
- Standby generator testing

Noise Management Plan Review

The Operator is required to manage the installation activities in accordance with condition 3.4.1 of the permit and the NMP. Operations with the most potential to cause noise emissions have been assessed as those listed above. The NMP covers measures, in particular, procedural controls addressing vehicle movement, feed transfer to bins, fan ventilation operation, bird and personnel noise and repair work.

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

There are no Special Areas of Conservation (SAC), Special Protection Areas (SPA) Ramsars, or Sites of Special Scientific Interest (SSSI) within 5km of the installation, nor any other nature conservation sites within 2km.

Because there are no relevant nature conservation sites within the screening distances, it is not necessary to undertake any further assessment. It can be concluded that there will be no adverse effects on nature conservation sites as a result of the proposed installation.

Decision checklist

Aspect considered	Decision
Receipt of application	
Confidential information	A claim for commercial or industrial confidentiality has been made.
Identifying confidential information	We have not identified information provided as part of the application that we consider to be confidential.
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: • Health and Safety Executive • Local Authority – Planning • Local Authority – Environmental Health 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' and Appendix 2 of RGN 2 'Defining the scope of the installation'. 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. The plan is included in the permit.
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.
Biodiversity, heritage, landscape and nature conservation	The application is not within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat. See Ammonia section within the key issues for further information.

Aspect considered	Decision
Environmental risk assessment	
Environmental risk	We have reviewed the operator's assessment of the environmental risk from the facility. As there are no receptors within 100m of the Installation, the Applicant was not required to submit a dust and bio aerosol risk assessment in this format. The risk assessment for the Installation provided with the Application lists key management techniques to prevent, minimise and manage the risks of dust from site operations. These techniques are as follows: • Use of approved and accredited feed supplier with dedicated feed vehicles, and sealed feed systems; • Minimising the production of dust through use of wood shavings; • Good house-keeping, regular cleaning of dust to prevent build-up; • Management of surface conditions around houses; and • Management of litter conditions. The operator's risk assessment is satisfactory. The assessment shows that, applying the conservative criteria in our guidance on environmental risk assessment, all emissions may be categorised as environmentally insignificant. See key issues for further information.
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 operating techniques are as follows: • The use of nipple drinkers with drip trays to keep litter dry; • the use of high velocity roof extraction fans; • dirty water storage facilities are in place; • mortalities removed daily and kept in sealed bins, and • protein levels in the birds' feed are progressively reduced throughout the growing cycle to control nitrogen and phosphorous emissions. 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. See key issues for further information.

Aspect considered	Decision
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. See key issues for further information.
Permit conditions	
Emission limits	ELVs and equivalent parameters or technical measures based on BAT have been set for the following substances: • Nitrogen: 0.6 kg N/animal place/year • Phosphorus: 0.25 kg P_2O_5 animal place/year • Ammonia: 0.08 kg NH_3/animal place/year
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. These monitoring requirements have been imposed in order to comply with the relevant BAT measures.
Reporting	We have specified reporting in the permit. We have specified reporting in the permit. We made these decisions in accordance with the relevant BAT measures. See the key issues of the decision section of this decision document for further information. We made these decisions in accordance with BAT conclusion document dated 21st February 2017.
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	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

Aspect considered	Decision
	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 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
Health and Safety Executive, dated 16/04/2018
Brief summary of issues raised
No issues raised.
Summary of actions taken or show how this has been covered
No action required.

Response received from
Local Planning Authority, dated 20/04/2018
Brief summary of issues raised
No issues raised.
Summary of actions taken or show how this has been covered
No action required.

Representations from individual members of the public.

Brief summary of issues raised
Respondent was concerned about inconsistencies they perceived regarding livestock thinning and depopulation, response dated 12/04/2018.
Summary of actions taken or show how this has been covered
When reviewed following receipt of the above consultation response, the documentation appeared to make sense, reflecting the message that livestock thinning and depopulation would most likely not be necessary due to an all-in-all-out batch system; however, if thinning is absolutely necessary, it will be limited to a maximum of 33%. No action required.