

Permitting decisions

Variation

We have decided to grant the variation for Upper Startley Farm operated by Mr J Howat, Mrs C Howat and Mr I Howat.

The variation number is EPR/NP3131MZ/V003

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 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.

For some types of rearing practices stricter standards will apply to farms and housing permitted after the new BAT Conclusions are published.

This variation determination includes a review only of BAT compliance for new housing introduced with this variation. A BAT review of existing housing compliance with BAT conclusions document is to be the subject of a sector permit review and is beyond the scope of this variation application permit determination.

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 schedule 5 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 housing, in their document reference "Upper Startley Farm" and dated 26/07/18.

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 24 Monitoring of emissions and process parameters <ul style="list-style-type: none">- 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 <ul style="list-style-type: none">- Ammonia emissions	Table S3.3 of the Permit concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions. Ammonia screening was completed using AST V4.5 and an emission factor of 0.06. We are satisfied the applicant will meet the BAT AEL.
BAT 26 Monitoring of	The approved OMP includes the following details for on Farm Monitoring and Continual

BAT measure	Applicant compliance measure
emissions and process parameters - Odour emissions	Improvement: • The staff will perform a daily boundary walk to check the surrounding area for high levels of odour, as well as this checks will be performed on the surrounding area by persons who do not regularly work on the farm. • Visual (and nasal) inspections of potentially odorous activities will be carried out.
BAT 27 Monitoring of emissions and process parameters -Dust emissions	Table S3.3 Process monitoring requires the operator to undertake relevant monitoring that complies with these BAT conclusions. The Applicant has confirmed they will report the dust emissions to the Environment Agency annually by multiplying the dust emissions factor for broilers by the number of birds on site. This confirmation was in response to the Schedule 5 Notice request for further information, received DD/MM/YY, which has been referenced in Table S1.2 Operating techniques of the Permit.

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 2013 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 Upper Startley Farm 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:

Pullet production- management and fallen stock

Manufacture and feed selection

Feed delivery & storage

Ventilation

Litter management

Odour Management Plan Review

An odour management plan was submitted as part of the permit variation application because there are sensitive receptors within 400m of the installation boundary. We requested a revised odour management plan via a schedule 5 notice dated 24/07/18 and a second schedule 5 notice dated 16/08/18. Odour has been risk assessed inline with H1.

We are satisfied that the odour management plan dated 23/08/18 meets the required standard and covers all possible risks.

The closest property to the site boundary is “Upper Startley farm” bungalow which is located 8 metres North West of the installation boundary. “The Paddock” is the second closest receptor which is located 55 metres North the installation boundary.

The operator is required to manage activities at the installation in accordance with condition 3.3.1 of the permit and it's OMP (version received 23/08/18) reference ‘Odour Management Plan”, alongside the “Odour Monitoring Procedure” and “Receptor Plan”.

The OMP includes odour control measures, in particular, procedural controls such as manufacture and selection of feed, feed delivery and storage, housing ventilation system, litter management, carcass disposal, house clean out (litter removal) and storage of used litter/dirty water.

The operator has identified the potential sources of odour (see risks bullet pointed in the section above), as well as the potential risks and problems, and detailed actions taken to minimise odour.

The OMP also provides a suitable procedure in the event of complaints in relation to odour. The OMP is required to be reviewed at least every year, the operator has also confirmed that it will be reviewed if a complaints are received, whichever is sooner.

The Environment Agency has reviewed the OMP and consider it complies with the requirements of our H4 Odour management guidance note. 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.

We have included our standard odour condition 3.3.1 in the permit, which requires that the 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 appropriate measures, including, but not limited to, those specified in any approved OMP (which is captured through condition 2.3 and Table S1.2 of the permit), to prevent or where that is not practicable, to minimise odour.

The operator must operate the installation in line with the operating techniques set out in the application supporting documents and the OMP. Once the operation of the installation commences, there is a requirement to review and record (as soon as practicable after a complaint) whether changes to the OMP should be made and make any appropriate changes to the OMP identified in the review.

Whilst there is potential for odour pollution from the installation, the overall risk can be minimised by complying with the permit conditions, careful management and compliance with the OMP and reviewing the OMP when required. We are satisfied that operations carried out on the Installation will minimise the risk of odour pollution.

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
- Feed/deliveries
- Feeding systems
- Livestock
- Alarm system

Repairs

We have assessed the NMP and the H1 risk assessment for noise and conclude that the Applicant has followed the guidance set out in EPR 6.09 Appendix 5 'Noise management at intensive livestock installations'. We are satisfied that all sources and receptors have been identified, and that the proposed mitigation measures will minimise the risk of noise pollution / nuisance.

Noise Management Plan Review

The plan was received as part of the permit application. Operations likely to cause noise pollution are assessed and include: feeding, clean out, deliveries, litter loading and spreading. The noise management plan outlines control measures that will be taken to reduce any noise impact.

The NMP will be reviewed every year or following any complaint, and changes to the NMP, or other management plans to be documented, dated, signed and Area Officer notified, as confirmed by the operator.

Operations with the most potential to cause noise nuisance have been assessed and control measures put in place for all vehicles accessing the site and manoeuvring around it (specifically large vehicles), vehicles and machinery carrying out operations on site, feed delivery and transfer from lorry to storage, operation of ventilation systems, alarm and standby generator testing, noise from chickens and personnel and repair works.

We have included our standard noise and vibration condition 3.4.1 in the Permit, which requires that emissions from the activities shall be free from noise and vibration at levels likely to cause pollution outside the Installation, 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 (which is captured through condition 2.3 and Table S1.2 of the Permit), to prevent or where that is not practicable to minimise the noise and vibration.

We are satisfied that the manner in which operations are carried out on the Installation will minimise the risk of noise pollution.

Conclusion

We have assessed the NMP and the H1 risk assessment for noise and conclude that the Applicant has followed the guidance set out in EPR 6.09 Appendix 5 'Noise management at intensive livestock installations'. We are satisfied that all sources and receptors have been identified, and that the proposed mitigation measures will minimise the risk of noise pollution / nuisance.

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 are 3 sensitive receptors within 100m of the Installation boundary, the nearest sensitive receptor (the nearest point of their assumed property boundary) is approximately 8 metres to the north of 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:

Feed will be stored in silos, with the vents covered to prevent releases, no milling is undertaken on site and feed is delivered to the houses in sealed pipes

Bedding material will be maintained through controlling the humidity level to balance dust reduction and remain odour free

During cleaning the trailers will be parked close to the doors and sheeted prior to leaving site

Bird levels will be maintained at optimal levels to prevent overcrowding, and reduce dust. Carcasses are disposed of daily and stored until removed by an approved contractor.

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 3 Sites of Special Scientific Interest (SSSI) located within 5 km of the installation. There are also 11 Local Wildlife Site(s) (LWS), /Ancient Woodland(s) (AW), within 2 km of the installation. There are no European/Ramsar sites located within 5km.

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 Upper Startley Farm will only have a potential impact on SSSI sites with a precautionary critical level of 1µg/m³ if they are within 1909 metres of the emission source.

Beyond 1909m 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 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.

Table 1 – SSSI Assessment

Name of SSSI	Distance from site (m)
Sutton Lane Meadows	4917
Stanton St. Quinton Quarry	3379

Screening using the ammonia screening tool version 4.5 has indicated that the PC for Harries Ground is predicted to be less than 20% of the critical level for ammonia emissions/nitrogen deposition/acid deposition therefore it is possible to conclude no damage. The results of the ammonia screening tool version 4.5 are given in the tables below.

Table 2 – Ammonia emissions

Site	Ammonia Cle ($\mu\text{g}/\text{m}^3$)	PC ($\mu\text{g}/\text{m}^3$)	PC % critical level
Harries Ground	3*	0.281	9.4

*e.g. Natural England advised that a Cle of 3 for ammonia should be applied across the Harries Ground SSSI (April 2018)

Table 3 – Nitrogen deposition

Site	Critical load kg N/ha/yr*	PC kg N/ha/yr.	PC % critical load
Harries Ground	20	1.458	7.3

* Critical load values taken from APIS website (www.apis.ac.uk) – 27/04/18

Table 4 – Acid deposition

Site	Critical load keq/ha/yr*	PC keq/ha/yr.	PC % critical load
Harries Ground	1.318	0.104	7.9

* Critical load values taken from APIS website (www.apis.ac.uk) – 27/04/18

No further assessment is required.

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

Initial screening using ammonia screening tool version 4.5 has indicated that emissions from Upper Startley 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 668 metres of the emission source.

Beyond 668m the PC is less than $1\mu\text{g}/\text{m}^3$ and therefore beyond this distance the PC is insignificant. In this case all LWS/AWs are beyond this distance (see table below) and therefore screen out of any further assessment.

Table 5 – LWS/AW Assessment

Name of SAC/SPA/Ramsar	Distance from site (m)
Angrove Wood LWS	1688
Seagry Wood and Oak Hall LWS	1017
Chalkenhams LWS	2001
Great Somerford Gravel Pits LWS	1819
Brickyard Scrub LWS	1777
Rodbourne Plantation LWS	1875
Gauzebrook Meadows LWS	1729
Bristol Avon River LWS	1268
North Bincombe Wood	1875
Seagry Wood	1069
Unnamed	1690

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.
Consultation/Engagement	
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 of Public Health</p> <p>Environmental Health (Local Authority)</p> <p>Health and Safety Executive</p> <p>The comments and our responses are summarised in the consultation section.</p>

Aspect considered	Decision
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'.</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	
Biodiversity, heritage, landscape and nature conservation	<p>The application is not within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat.</p> <p>We have not consulted Natural England 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>The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.</p> <p>The operating techniques are as follows:</p> <ul style="list-style-type: none"> • Poultry houses 1-3 ventilated by high velocity roof fans • Litter is spread on land owned by third parties • Carcasses are collected daily and stored in a secure container on site prior to removal off site by a licensed renderer
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>
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>

Aspect considered	Decision
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).
Emission limits	We have decided that emission limits are not required in the permit. BAT AELs are not applicable to pullets
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 ensure compliance with Intensive farming BAT conclusions dated 21/02/17
Reporting	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 ensure compliance with Intensive Farming BAT conclusions document dated 21/02/17.
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.
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.</p>

Aspect considered	Decision
	This also promotes growth amongst legitimate operators because the standards applied to the operator are consistent across businesses in this sector and have been set to achieve the required legislative standards.

Consultation

The following summarises the responses to consultation with other organisations, our notice on GOV.UK for the public, and the way in which we have considered these in the determination process.

Responses from organisations listed in the consultation section

Response received from
Public Health England
Brief summary of issues raised
No obvious causes for concern- EA to be satisfied risk assessment and management plans are complete and satisfactory
Summary of actions taken or show how this has been covered
We are satisfied that through the management plans, permit conditions the site will operate within the technical guidance and best practice techniques.

No other responses received