

Permitting decisions

Part surrender and variation

We have decided to accept the surrender of part of the permit for Weston Poultry Unit operated by Green Label Poultry Limited.

The permit number is EPR/HP3931YF.

We are satisfied that the necessary measures have been taken to avoid any pollution risk and return the site to a satisfactory state. We consider in reaching that decision we have taken into account all relevant considerations and legal requirements.

We have also decided to grant the variation for Weston Poultry Unit.

The variation number is EPR/HP3931YF/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:

- 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 surrender and 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 sets 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 (BAT-AELs) for ammonia emissions, which will apply to the majority of permits, as well as BAT-AELs 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 were 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 34 BAT Conclusion measures in total within the BAT Conclusion document dated 21st February 2017.

We have sent out a Schedule 5 Notice requiring the Applicant to confirm that the new houses at the installation comply in full with all the relevant BAT conclusion measures.

The Applicant has confirmed their compliance with all BAT conditions for the new housing, in their documents titled: 'BAT Compliance Documents 1 and 2,' which are both dated 27/07/18. These have been referenced in Table S1.2 of the permit.

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 <ul style="list-style-type: none">Nitrogen excretion	<p>The Applicant has confirmed that the installation achieves levels of Nitrogen excretion below the required BAT-AEL of 2.3 kg N/animal place/year by an estimation using manure analysis for total Nitrogen content.</p> <p>This confirmation was in response to the Schedule 5 Notice, received 27/07/18, which has been referenced in Table S1.2 concerning Operating Techniques of the permit.</p> <p>Table S3.3 of the permit concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT conclusions.</p>
BAT 4 – Nutritional management <ul style="list-style-type: none">Phosphorous excretion	<p>The Applicant has confirmed that the installation achieves levels of Phosphorous excretion below the required BAT-AEL of 1.0 kg P₂O₅ animal place/year by an estimation using manure analysis for total Phosphorous content.</p> <p>This confirmation was in response to the Schedule 5 Notice, received 27/07/18, which has been referenced in Table S1.2 concerning Operating techniques of the permit.</p> <p>Table S3.3 of the permit concerning process monitoring requires the Operator to</p>

BAT measure	Applicant compliance measure
	undertake relevant monitoring that complies with these BAT conclusions.
BAT 24 – Monitoring of emissions and process parameters <ul style="list-style-type: none"> Total nitrogen and phosphorous excretion 	Table S3.3 of the permit, regarding 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.
BAT 27 – Monitoring of emissions and process parameters <ul style="list-style-type: none"> Dust emissions 	Table S3.3 of the permit, concerning 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 turkeys by the number of birds on site. This confirmation was in response to the Schedule 5 Notice, received 27/07/18, 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 turkeys 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 The Old Airfield (dated: October 2006) 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.**

Changes to the installation boundary (part surrender)

The part surrender application is for the surrender of three pockets of land, referenced as area 1, area 2 and area 3. Area 1 is located to the east of the former boundary and areas 2 and 3 are located to the north. The operator has confirmed that all operations have ceased on these areas and that no contamination has resulted from the activities that they have carried out whilst operating on the land. We have reviewed the applicant's documentation in support of the part surrender and accept that the operator has not caused any pollution to the ground whilst operating on the land.

Dust and Bioaerosols

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 two sensitive receptors within 100m of the installation boundary, the nearest sensitive receptor is a residential property called Green Farm Cottage and is approximately 83 metres south east of the installation boundary. The second sensitive receptor is a residential property called The Bungalow and is located approximately 85 metres north of the site boundary.

Guidance on our website concludes that applicants need to produce and submit a dust and bioaerosol 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 100 metres of the Installation, the Applicant was required to submit a dust and bioaerosol 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), all reduce the potential for emissions impacting the nearest receptors. The Applicant has confirmed the following measures in their operating techniques to reduce dust:

- Roadways are of concrete construction. Regular inspections of access roads and actions are taken to prevent and clean any build of dust.
- Good quality litter is used with minimal dust content. Fans are not run in sheds during littering.
- Catch teams operate in a way to minimise the stress of the birds. This keeps them calm and reduces wing flapping.

- Manures are not stored on site. At the point of mucking out, manures will be wet and dusts will not be an issue.
- Deliveries are scheduled as required to fill bins. Any spillages are cleared immediately. Areas are inspected regularly to prevent dust build up.
- Cowlings and louvers are maintained to direct any dusts to the ground. Areas are inspected regularly and any build-up of dust is removed.
- General waste and mixed dry recyclables are deposited into separate 6cm front end loader bins with lids.

Conclusion

We are satisfied that the measures outlined in the Application will minimise the potential for dust and bioaerosol emissions from the installation.

Ammonia

Part of this variation includes a change to the site's rearing regime, from two flocks of 110,000 large turkeys to one Christmas production crop comprising 240,000 small turkeys and a second, post-Christmas crop comprising 162,000 larger turkeys. The operator has demonstrated by means of a mass-balance calculation (dated: 28/03/18) that total ammonia emissions from the installation will be decreasing as a result of the change. This variation therefore represents an environmental betterment and no further ammonia assessment is necessary. The calculations are summarised in table 1 below:

Table 1: Mass balance calculation demonstrating environmental betterment

Emission factor in grams of nitrogen per day	Number of birds	Live weight (kg)	Kill age in days	Bespoke calculated emission factor in NH3 per year ¹	Total ammonia	Weighted ammonia ²
Proposed bird numbers: Christmas flock						
93 ³	16000	1.5	49	0.1	1978.5	265.6
	10000	1.8	60	0.1	1483.9	243.9
	6000	9	147	0.7	4451.6	1792.9
	16000	1.5	49	0.1	1978.5	265.6
	16000	1.5	49	0.1	1978.5	265.6
	16000	1.5	49	0.1	1978.5	265.6
	16000	1.8	56	0.1	2374.2	364.3
	16000	9	154	0.7	11871.1	5008.6
	16000	6	140	0.5	7914.0	3035.5
	16000	5.5	140	0.5	7254.5	2782.6
	16000	5	140	0.4	6595.0	2529.6
	16000	9	147	0.7	11871.1	4780.9
	16000	6	140	0.5	7914.0	3035.5
	16000	6	135	0.5	7914.0	2927.1

¹ In order to calculate a bespoke emission factor per bird, the following equation was used:

$$\text{Emission factor (gN/lu/day)} \times 365 \text{ (to adjust for days to year)} / 1000 \text{ (to convert from g to kg)} \times \text{animal live weight} / 500 \text{ kg (500 kg is a live weight unit)} \times 17/4 \text{ (adjust for N to NH3)} = \text{EF (kg NH3/animal place/year)}$$

² The weighted ammonia is calculated by dividing total ammonia by 365 (days in the year) and multiplying that figure by the kill age in days. This is to give an accurate calculation of the emissions from each bird based on how long they are kept at the site for.

³ An emission factor of 93 gN/LU day was used based on the UK atmospheric inventory emission factor of nitrogen released from turkey housing.
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Date issued: 31/08/18

Emission factor in grams of nitrogen per day	Number of birds	Live weight (kg)	Kill age in days	Bespoke calculated emission factor in NH3 per year ¹	Total ammonia	Weighted ammonia ²
	16000	6	130	0.5	7914.0	2818.7
	16000	5	120	0.4	6595.0	2168.2
				Sum	92066.6	32550.2
Proposed bird numbers: Post-Christmas flock						
93 ³	82000	20	154	1.45	135198.1	57042.5
	80000	14	140	1.15	92330.4	35414.4
				Sum	227528.5	92456.9
				Total for both flocks	319595.1	125007.1
Existing bird numbers (assuming worst case – two flocks of male stags)						
93 ³	110000	21	154	1.73	190431.5	80346.4
	110000	21	154	1.73	190431.5	80346.4
				Sum of both flocks	380862.9	160692.8
				Existing – proposed =	61267.8	35685.7
Proposals represent a 22% improvement based on weighted values.						

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	
Consultation	<p>The consultation requirements were identified in accordance with the Environmental Permitting Regulations and our public participation statement.</p> <p>The application was publicised on the GOV.UK website.</p> <p>We consulted the following organisations:</p> <ul style="list-style-type: none"> • Local Authority (Broadland District Council) – Planning; • Local Authority (Broadland District Council) – Environmental Health; • Public Health England (PHE) <p>The comments and our responses are summarised in the consultation section.</p>
The facility	
The regulated facility	<p>We considered the extent and nature of the facility at the site in accordance with RGN2 'Understanding the meaning of regulated facility'.</p> <p>The extent of the facility is defined in the site plan and in the permit. The activities are defined in table S1.1 of the permit.</p>
The site	
Extent of the site of the facility	The operator has provided a plan which we consider is satisfactory, showing the extent of the site of the facility. The plan is included in the permit.
Extent of the surrender application	<p>The operator has provided a plan showing the extent of the site of the facility that is to be surrendered.</p> <p>We consider this plan to be satisfactory.</p> <p>See key issues for further information.</p>
Pollution risk (part surrender)	We are satisfied that the necessary measures have been taken to avoid a pollution risk resulting from the operation of the facility.
Satisfactory state (part surrender)	<p>We are satisfied that the necessary measures have been taken to return the site of the regulated facility to a satisfactory state.</p> <p>In coming to this decision we have had regard to the state of the site before the facility was put into operation.</p>
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 not assessed the application and its potential to affect all known sites of nature conservation, landscape and heritage and/or protected species or habitats</p>

Aspect considered	Decision
	as the operator has demonstrated by means of a mass-balance calculation, dated 28/03/18, that total ammonia emissions from the installation will be decreasing as a result of the changes. As emissions are decreasing there is no requirement to assess the impact of emissions to local ecological receptors.
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.
Odour management	As part of the application, the operator submitted an odour management plan however we have not reviewed it as part of the determination. This is because the proposed variations do not result in any change in odour risk.
Noise management	As part of the application, the operator submitted a noise management plan however we have not reviewed it as part of the determination. This is because the proposed variations do not result in any change in noise risk.
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 permits.
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	ELVs based on BAT have been set for nitrogen and phosphorous. See key issues for further information.
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. See key issues for further information
Reporting	We have specified reporting in the permit. We have made these decision in accordance with the relevant BAT measures. See key issues for further information.
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	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

Aspect considered	Decision
	<p>permit.</p> <p>Paragraph 1.3 of the guidance says:</p> <p>“The primary role of regulators, in delivering regulation, is to achieve the regulatory outcomes for which they are responsible. For a number of regulators, these regulatory outcomes include an explicit reference to development or growth. The growth duty establishes economic growth as a factor that all specified regulators should have regard to, alongside the delivery of the protections set out in the relevant legislation.”</p> <p>We have addressed the legislative requirements and environmental standards to be set for this operation in the body of the decision document above. The guidance is clear at paragraph 1.5 that the growth duty does not legitimise non-compliance and its purpose is not to achieve or pursue economic growth at the expense of necessary protections.</p> <p>We consider the requirements and standards we have set in this permit are reasonable and necessary to avoid a risk of an unacceptable level of pollution. This also promotes growth amongst legitimate operators because the standards applied to the operator are consistent across businesses in this sector and have been set to achieve the required legislative standards.</p>

Consultation

The following summarises the responses to the consultation with other organisations, out 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)
Brief summary of issues raised
PHE recommended submission of a dust management plan/bioaerosol risk assessment due to the presence of sensitive receptors within 100 metres of the installation boundary.
Summary of actions taken or show how this has been covered
In line with PHE's consultation response, we requested a dust management plan/bioaerosol risk assessment from the operator. The operator responded on 01/08/18 and their management plan has been referenced as an operating technique in table S1.2 of the permit.