

Permitting decisions

Variation

We have decided to grant the variation for Keinton Rearing Farm operated by Ridgeway Foods Limited.

The variation number is [EPR/XP3739RK/V004](#)

Date issued: 06/09/2018

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

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 an information 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 housing, in an email dated 18th July 2018.

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 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 site already has an approved OMP which has been amended to account for the new housing arrangement. The OMP includes the following details for on Farm Monitoring and Continual Improvement: <ul style="list-style-type: none"> • on a daily basis odour levels at the installation will monitored for high housekeeping odours. • Ventilation system is regularly adjusted to match the age and requirements of the flock. • De litter takes place with 24hours of de stocking. Following cleanout litter is placed in trailers under cover, prior to removal off site. • Houses sealed whilst waiting litter removal. • Carcasses placed in sealed plastic bags and stored in sealed containers. Regularly collected and removed from site (3-5 times per week).

BAT measure	Applicant compliance measure
	<ul style="list-style-type: none"> Wet litter avoidance techniques employed including use of nipple drinkers. Insulated walls and ceilings to avoid condensation, optimisation of stocking levels to avoid overcrowding.
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. Example text: The Applicant has confirmed they will report the dust emissions to the Environment Agency annually by estimating using emissions factors. This confirmation was in an emailed response to an information request, received 18/07/2018, which has been referenced in Table S1.2 Operating techniques of the Permit.
BAT 31 Ammonia emissions from poultry houses -Pullets	The Operator has confirmed that the new housing with use technique 5 – Forced drying of litter using indoor air (in case of solid floor with deep litter)

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/broiler breeders 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 Keinton Farm (dated 28/03/18) 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 site has an existing OMP which has been amended to consider the new housing arrangement. The site has no history of odour complaints and we are satisfied that the existing odour control techniques are appropriate. We are therefore satisfied that the appropriate measures will be in place to prevent or where that is not practicable to minimise odour and to prevent pollution from odour.

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.

The Operator already has a noise management plan. The plan has been reviewed by the Operator to account for the new housing arrangement. The site has no history of noise complaints and we are satisfied that the existing noise control techniques are appropriate. We are therefore satisfied that appropriate measures will be in place to prevent or where that is not practicable to minimise noise and vibration and to prevent pollution from noise and vibration outside the installation boundary.

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 2 sensitive receptors within 100m of the Installation boundary, the nearest sensitive receptor (the nearest point of their assumed property boundary) is approximately 60 metres to the south 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.

The site already has an approved bio-aerosol and dust risk assessment. The assessment has been reviewed by the Operator to account for the new housing arrangement. The site has no history of bio-aerosol/dust issues and we are satisfied that the existing dust/bio aerosol control techniques are appropriate. We are therefore satisfied that appropriate measures will be in place to prevent or where that is not practicable to minimise bio-aerosols and dust emissions and to prevent pollution from bio-aerosols and dust.

Ammonia

There is 1 Special Area of Conservation (SAC) and 1 Ramsar site located within 10 kilometres of the installation. There are 5 Sites of Special Scientific Interest (SSSI) located within 5 km of the installation. There are also 8 Local Wildlife Sites (LWS) and 1 Ancient Woodland (AW) within 2 km of the installation.

A full assessment of the impact of ammonia emissions on the habitat and conservation sites was carried out for the previous variation application (issued 26/09/2017). This assessment was based on emissions of ammonia from 284,000 birds. This variation does not propose a change to bird numbers on site or the emissions factors used in the assessment, however the location of some of the housing has changed. The previous assessment was based on 2 houses located close to each other, each containing 142,000 birds. This variation has changed this and now the site will have 5 houses, one of which will continue to house 142,000 birds, whilst 4 smaller houses will house the other 142,000 birds. The 4 smaller houses will be located in a new area approximately 150m south of the existing poultry house.

The location of the new housing has brought the installation closer to 2 of the local wildlife sites (LWS), namely River Cary and Babcary Copse. These LWSs were located approximately 1000m away from the existing housing, they will now be located approximately 800m away from the new houses. The proximity of the other habitat and conservation sites will not increase. With this in mind we have reviewed the existing ammonia assessment and we are satisfied that whilst there is likely to be an increase in the process contribution of ammonia and nitrogen deposition at the River Cary and Babcary Copse local wildlife sites, the increase will not still not exceed 100% of the relevant critical level or load. Therefore we are satisfied that there will be no significant pollution from ammonia or nitrogen deposition at these sites. Also as the other habitat and conservation sites located within the relevant screening distances are no closer to the installation, we are also satisfied that the conclusions from the existing ammonia assessment remains valid and there will be no likely significant effect at the SAC and Ramsar sites; no likely damage to the SSSI's; and no significant pollution at the other local wildlife sites.

We have not updated the existing Stage 1 Habitats Assessment or Appendix 4 CRoW assessment that were completed for the previous variation as the impact has not changed and is likely to be reduced at the SPC/Ramsar site and SSSI's within relevant distance of the site.

Decision checklist

Aspect considered	Decision
Receipt of application	
Confidential information	A claim for commercial or industrial confidentiality has not been made. The decision was taken in accordance with our guidance on confidentiality.
Identifying confidential information	We have not identified information provided as part of the application that we consider to be confidential. The decision was taken in accordance with our guidance on confidentiality.
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'. 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 a plan which we consider is 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 and baseline reporting under the Industrial Emissions Directive.
Biodiversity, heritage, landscape and nature conservation	The application is within the relevant distance criteria of nature conservation and habitat. Somerset Levels and Moors SPA & Ramsar Babcary Meadows SSSI East Polden Grasslands SSSI Great Breach and Copley Woods SSSI Hurcott Farm SSSI East Polden Grasslands SSSI Kingweston Meadows SSSI Ridgeway Lane Cornfield LWS Home Ground Pond LWS Babcary Copse LWS Greenacres Meadow LWS Combe Lane Embankment LWS

Aspect considered	Decision
	<p>Station Quarry LWS</p> <p>Lydford Lane</p> <p>Luns Hill Wood</p> <p>Humps 'n' Hollows LWS</p> <p>River Cary LWS</p> <p>Babcary Copse Ancient Woodland</p> <p>We have assessed the application and its potential to affect all known sites of nature conservation and or habitats identified in the nature conservation screening report as part of the permitting process.</p> <p>We consider that the application will not affect any sites of nature conservation, landscape and heritage, and/or protected species or habitats identified.</p> <p>We have not consulted Natural England on the application. The decision was taken in accordance with our guidance. See 'Key Issues' above for further details of our assessment.</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. See 'Key Issues' above.</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>
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>
Permit conditions	
Updating permit conditions during consolidation	<p>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).</p>
Emission limits	<p>We have decided that emission limits are not required in the permit.</p>
Monitoring	<p>We have decided that monitoring should be carried out for the parameters listed in the permit, using the methods detailed and to the frequencies specified. The monitoring requirements have been imposed to ensure compliance with Intensive</p>

Aspect considered	Decision
	Farming BAT conclusions document dated 21/02/2017.
Reporting	<p>We have specified reporting in the permit.</p> <p>We made these decisions in order to ensure compliance with Intensive Farming BAT conclusions document dated 21/02/2017.</p>
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. 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>