Permitting decisions

Bespoke permit

We have decided to grant the permit for Marsh Farm Broiler Unit operated by The Marsh Poultry Lancashire Limited.

The permit number is EPR/PP3836DX.

We consider in reaching that decision we have taken into account all relevant considerations and legal requirements and that the permit will ensure that the appropriate level of environmental protection is provided.

Purpose of this document

This decision document provides a record of the decision making process. It:

- highlights key issues in the determination
- summarises the decision making process in the decision checklist to show how all relevant factors have been taken into account
- shows how we have considered the consultation responses.

Unless the decision document specifies otherwise we have accepted the applicant's proposals. Read the permitting decisions in conjunction with the environmental permit. The introductory note summarises what the permit covers.

Key issues of the decision

1) New Intensive Rearing of Poultry or Pigs BAT Conclusions Document

The Best Available Techniques (BAT) Reference Document (BReF) for the Intensive Rearing of Poultry or Pigs was published on the 21 February 2017. There is now a separate BAT Conclusions document which sets out the standards that permitted farms have to meet. All new installation farming permits issued after 21 February 2017 must be compliant in full from the first day of operation. 'New plant' is defined as plant first permitted at the site of the farm following the publication of the BAT conclusions.

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

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

BAT Measure	Applicant Compliance Measure
BAT 3 – nutritional management for nitrogen excretion.	BAT-AEL for broilers is 0.2 to 0.6kgN/animal place/yr.
BAT 4 - nutritional management for phosphorous excretion.	BAT-AEL for broilers is 0.05 to 0.25kgP/animal place/yr.
BAT 24 – monitoring of emissions and process parameters for total nitrogen and phosphorous excreted.	Table S3.3: Process monitoring. This table requires the applicant to undertake relevant monitoring that complies with these BAT Conclusions.
BAT 25 - monitoring of emissions and process parameters for ammonia emissions.	
BAT 27 - monitoring of emissions and process parameters for dust emissions.	
BAT 32 – ammonia emissions from poultry houses for broilers with a final weight upto 2.5kg.	BAT-AEL for broilers is 0.01 to 0.08kgNH_3/animal place/yr.

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

The applicant has confirmed their compliance with the new BAT conditions for the new housing in their application dated 20 February 2018. The new buildings will be constructed to BAT and the installation will be able to meet the BAT AEL's which will be verified by manure analysis and reported annually. Dust levels will be calculated from standard emission factors and reported annually. The changes have been incorporated within the permit for application EPR/PP3836DX/A001.

2) Industrial Emissions Directive (IED)

The Environmental Permitting (England and Wales) (Amendment) Regulations 2013 were made on the 20 February and came into force on 27 February 2013. These Regulations transpose the requirements of the IED. This permit implements the requirements of the European Union Directive on Industrial Emissions. As a result of the requirements of the IED, all permits are now required to contain a condition relating to protection of soil, groundwater and groundwater monitoring.

However, the Environment Agency's Guidance states that it is only necessary for the applicant to take samples of soil or groundwater and measure levels of contamination where there is evidence that there is, or could be existing contamination and:

- The environmental risk assessment has identified that the same contaminants are a particular hazard; or
- The environmental risk assessment has identified that the same contaminants are a hazard and the risk assessment has identified a possible pathway to land or groundwater.

The Guidance further states that it is not essential for the applicant to take samples of soil or groundwater and measure levels of contamination where:

- The environmental risk assessment identifies no hazards to land or groundwater; or
- Where the environmental risk assessment identifies only limited hazards to land and groundwater and there is no reason to believe that there could be historic contamination by those substances that present the hazard; or
- Where the environmental risk assessment identifies hazards to land and groundwater but there is evidence that there is no historic contamination by those substances that pose the hazard.

The site condition report (SCR) for Marsh Farm Broiler Unit (dated 20 February 2018) demonstrates that there are no hazards or likely pathways to land or groundwater and no historic contamination on site that may present a hazard from the same contaminants. Therefore, on the basis of the risk assessment presented in the SCR, we accept that they have not provided base line reference data for the soil and groundwater at the site at this stage and although condition 3.1.3 is included in the permit no groundwater monitoring will be required.

3) Odour

Intensive farming is by its nature a potentially odorous activity. This is recognised in our 'How to Comply with your Environmental Permit for Intensive Farming' EPR 6.09 guidance (http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/297084/geho0110brsb-e-e.pdf). Condition 3.3 of the environmental permit reads as follows:

"Emissions from the activities shall be free from odour at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Environment Agency, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved odour management plan, to prevent or where that is not practicable to minimise the odour."

Under section 3.3 of the guidance an Odour Management Plan (OMP) is required to be approved as part of the permitting process, if as is the case here, sensitive receptors (sensitive receptors in this instance excludes properties associated with the farm) are within 400m of the Installation boundary. It is appropriate to require an OMP when such sensitive receptors have been identified within 400m of the installation to prevent, or where that is not practicable, to minimise the risk of pollution from odour emissions.

The risk assessment for the Installation provided with the application lists key potential risks of odour pollution beyond the Installation boundary. These activities are house clean out, movement of feed/feed delivery, house ventilation, litter management, carcass disposal, dirty water management and abnormal operations. Twice daily olfactory checks coinciding with stock inspections (normally 07.00hrs to 10.00hrs and 16.00hrs to 19.00hrs) will be undertaken if required and any abnormalities recorded and investigated.

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

4) Noise

Intensive farming by its nature involves activities that have the potential to cause noise pollution. This is recognised in our 'How to Comply with your Environmental Permit for Intensive Farming' EPR 6.09 guidance. Under section 3.4 of this guidance a Noise Management Plan (NMP) must be approved as part of the permitting determination, if there are sensitive receptors within 400m of the Installation boundary. Condition 3.4 of the Permit reads as follows:

"Emissions from the activities shall be free from noise and vibration at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Environment Agency, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved noise and vibration management plan, to prevent or where that is not practicable to minimise the noise and vibration".

There are sensitive receptors within 400m of the Installation boundary and the applicant has provided a NMP as part of the application supporting documentation. The risk assessment for the Installation provided with the application lists key potential risks of noise pollution beyond the Installation boundary. These activities are vehicle movements, bird catching, clean-out, ventilation fans, feed delivery and transfer, fuel delivery, alarms and the standby generators. Noise will be assessed twice daily (07:00hrs to 10:00hrs and 16:00hrs to 18:00hrs) to establish possible sources of noise emissions and consideration given to different operations occurring during the whole of the production cycle.

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

5) Ammonia Impacts

There is one Special Protection Area (SPA) and one Ramsar site within 850m, two Sites of Special Scientific Interest (SSSI) within 850m, five Local Wildlife Sites (LWS) within 2km, one National Nature Reserve (NNR) within 1km and one Local Nature Reserve (LNR) within 1.5km of the facility.

Assessment of SPA and Ramsar Sites

If the Process Contribution (PC) is below 4% of the relevant critical level (CLe) or critical load (CLo) then the farm can be permitted with no further assessment. Initial screening using the Ammonia Screening Tool assessment spreadsheet v4.5 (AST) has indicated that the Ribble and Alt Estuaries SPA and the Ribble and Alt Estuaries Ramsar screen in at CLe 3. This means that there is the likelihood that the PC as a % of the CLe for ammonia, nitrogen deposition and acid deposition is between 4% and 20%. Therefore, an in-combination assessment was required to assess the impact on the SPA and Ramsar in conjunction with other nearby intensive farming installations (Table 1).

Table 1: In-combination Assessment.

Predicted Ammonia (ug/m^3)	Predicted N Deposition (kg/ha/yr)	Predicted Acidification (keq/ha/yr)	CLe Ammonia (µg/m^3)	CLo N Deposition (kg N/ha/yr)	CLo Acid Deposition (keq/ha/yr)	PC as % CLe Ammonia	PC as % CLo N Deposition	PC as % CLo Acid Deposition
0.082	0.424	0.030	3	5	0.482	2.7	8.5	6.2
0.061	0.315	0.023	3	5	0.482	2.0	6.3	4.8
0.158	0.821	0.059	3	5	0.482	5.3	16.4	12.2
					Total:	**5.3**	**31.2**	**23.2**

The total in-combination nitrogen deposition and acid deposition is greater than 20% and therefore detailed modelling was required.

Assessment of SSSIs

If the PC is below 20% of the relevant CLe or CLo then the farm can be permitted with no further assessment. Initial screening using the AST spreadsheet v4.5 has indicated that Newton Marsh and Ribble Estuary SSSIs screen out at CLe 1 due to its distance from the site. Therefore, it is possible to conclude that there is not a potential risk of damage at this site from this installation and no further action is required.

Assessment of LWSs, NNR and LNR

The following trigger thresholds have been applied for the assessment of non-statutory sites:

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

Initial screening using the AST spreadsheet v4.5 has indicated that Ribble Estuary NNR, Fishwick Bottoms LNR, River Ribble, Lower Tidal Section LWS, Savick Bridge LWS, Lea Marsh LWS and Mason's Wood LWS all screen out at CLe 1 due to distance. Therefore, it is possible to conclude no damage and that no further assessment is necessary.

With regards to Pippy Lane Banks LWS, this is within 250m and cannot be screened using the AST. An independent ecological assessment has been completed for this LWS as it has been designated for the presence of breeding Long-eared Owls. The habitat survey found no evidence of current or recent breeding by Long-eared Owls. It also concluded that atmospheric ammonia and nitrogen deposition from development sites on neighbouring LWS and ancient semi-natural woodlands has not been proven to adversely affect the breeding success of Long-eared Owls. Natural England make no mention of possible detrimental effects of atmospheric deposition on breeding birds.

Pippy Lane Banks LWS is owned jointly by SITA and the applicant. Currently the LWS is being de-designated. The independent ecological assessment supports the conclusion that ammonia and N deposition will not affect the protected species as they appear not to be there anymore and that the owls have not bred there for a number of years. This may, in part, be due to the LWS being near to a sewage treatment works, a landfill, a composting site and a nuclear site.

Detailed Ammonia Modelling Assessment

The Environment Agency AST indicated the potential for ammonia contributions from Marsh Farm Broiler Unit acting in-combination with other near by permitted intensive farming installations to impact on the Ribble and Alt Estuaries SPA and Ramsar sites. The detailed modelling assessment report 'A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Existing and Proposed Broiler Chicken

Rearing Houses at Marsh Farm, Clifton, near Preston in Lancashire' dated 10 July 2018 was submitted as part of the application.

The modelling predicts that, over the closest parts of an unnamed LWS to the north-east of the site, the PC to maximum annual ammonia concentrations would exceed the Environment Agency's upper threshold percentage of the precautionary CLe of 1.0µg/m^3. At all other LWSs, SSSIs, Ramsar sites and SPAs considered, the PC to maximum annual ammonia concentrations and nitrogen deposition rates would be below the Environment Agency's lower threshold percentage of CLe or CLo for the designation of the sites (4% for a Ramsar site/SPA, 20% for a SSSI and 100% for a LWS).

Mitigation has been recommended to compensate for possible detrimental effects on the nearby unnamed LWS to the north-east of the site:

- the area is actively managed for wildlife and/or
- land of at least a similar area to the exceedance of 100% of the CLe (approximately 0.25 ha) is set aside for nature conservation and be planted/seeded with native species. Woodland planting schemes or restoration to traditional unimproved grassland could replace what is currently pasture with relatively low ecological value. If planted between the poultry housing and the LWS, newly planted woodland would act as a sink for ammonia from the poultry house (and from other sources of ammonia) thus reducing ammonia concentrations and nitrogen and acid deposition rates at this LWS. Such schemes may be particularly effective at increasing biodiversity if they border or connect with existing wildlife sites, remnants of woodland or unimproved grasslands.

Decision checklist

Aspect considered	Decision
Receipt of application	
Confidential information	A claim for commercial or industrial confidentiality has not been made.
Identifying confidential information	We have not identified any information provided as part of the application that we consider to be confidential.
Consultation	
Consultation	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: ➢ Local Authority (Environmental Health and Planning) ➢ Public Health England ➢ Health and Safety Executive. No responses were received.
Operator	
Control of the facility	We are satisfied that the applicant (now the operator) is the person who will have control over the operation of the facility after the grant of the permit. The decision was taken in accordance with our guidance on legal operator for environmental permits.
The facility	
The regulated facility	We considered the extent and nature of the facility at the site in accordance with RGN2 'Understanding the meaning of regulated facility', Appendix 2 of RGN 2 'Defining the scope of the installation', Appendix 1 of RGN 2 'Interpretation of Schedule 1', guidance on waste recovery plans and permits. The extent of the facility is defined in the site plan and in the permit. The activities are defined in table S1.1 of the permit.
The site	
Extent of the site of the facility	The operator has provided plans which we consider are satisfactory, showing the extent of the site of the facility. A site plan is included in the permit. An altered site plan and drainage plan were submitted on 18 September 2018 showing a slight increase in the facility boundary to accommodate a third poultry house. This has not increase the bird place numbers which remain at 93,000. The Environment Agency consider that there is no potential significant negative risk to the environment from this change and we decided that re-consultation of this application was not therefore required.
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.

Aspect considered	Decision
	The site condition report (SCR) for Marsh Farm Broiler Unit (dated 20 February 2018) demonstrates that there are no significant hazards or likely pathways to land or groundwater and no historic contamination sources on site that may present a significant risk. An altered site plan was submitted on 18 September 2018 showing a slight increase in the facility boundary to accommodate a third poultry house. This has not increase the bird place numbers which remain at 93,000. The Environment Agency consider that there is no potential significant negative risk to the environment from this change and we decided that re-consultation of this application was not therefore required. Therefore, on the basis of the assessment presented in the SCR the Environment Agency accepts that no baseline reference data needs to be provided for the site soil and groundwater conditions as part of application EPR/PP3836DX/A001.
Biodiversity, heritage, landscape and nature conservation	The application is within the relevant distance criteria of several sites of nature conservation. We have assessed the application and its potential to affect all known sites of nature conservation identified in the nature conservation screening report as part of the permitting process. An altered site plan was submitted on 18 September 2018 showing a slight increase in the facility boundary to accommodate a third poultry house. This has not increase the bird place numbers which remain at 93,000. The Environment Agency consider that there is no potential significant negative risk to the environment from this change and we decided that re-consultation of this application was not therefore required. We consider that the application will not affect any of the sites of nature conservation identified for the reasons outlined in the key issues section. The decision was taken in accordance with our guidance. In accordance with our guidance, as there are statutory sites within 5km of the installation that potentially may be affected by the installation, we completed an Appendix 4 CRoW Act Assessment for Pilmoor SSSI for information only for Natural England on 23 July 2018.
Environmental risk assessment	
Environmental risk	We have reviewed the operator's assessment of the environmental risk from the facility. The operator's risk assessment is satisfactory.
Operating techniques	
General operating techniques	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 operation of the farm will be in accordance with SGN EPR6.09 'How to comply with your environmental permit for intensive farming'
Operating techniques for emissions that screen out as insignificant	Emissions of ammonia to air have been screened out as insignificant and so we agree that the applicant's proposed techniques are BAT for the installation. We consider that the emission limits included in the installation

Aspect considered	Decision
	permit reflect the BAT for the sector.
Odour management	We have reviewed the Odour Management Plan (OMP) in accordance with our guidance. The definition of sensitive receptor excludes properties associated with the farm. We consider that the OMP is satisfactory.
Noise management	We have reviewed the Noise Management Plan (NMP) in accordance with our guidance. The definition of sensitive receptor excludes properties associated with the farm. We consider that the NMP is satisfactory.
Permit conditions	
Emission limits	Emission limits have been added as a result of the recently published BAT Conclusions. BAT-AELs based on BAT have been set in the permit for ammonia, total nitrogen and total phosphorus.
Monitoring	With the publication of the IRPP BAT Conclusion Document, we have included monitoring for the parameters listed in the permit, using the methods detailed and to the frequencies specified. These monitoring requirements have been added in order to comply with the IRPP BAT Conclusion Document and are not related to any perceived issues with the operation of the installation.
Reporting	With the publication of the IRPP BAT Conclusion Document, we have specified reporting in the permit. These reporting requirements have been added in order to comply with the IRPP BAT Conclusion Document and are not related to any perceived issues with the operation of the installation.
Operator competence	
Management system	There is no known reason to consider that the operator will not have the management system to enable it to comply with the permit conditions. The decision was taken in accordance with the guidance on operator competence and how to develop a management system for environmental permits.
Relevant convictions	The Case Management System has been checked to ensure that all relevant convictions have been declared. No relevant convictions were found. The operator satisfies the criteria in our guidance on operator competence.
Financial competence	There is no known reason to consider that the operator will not be financially able to comply with the permit conditions.
Growth Duty	
Section 108 Deregulation Act 2015 – Growth duty	We have considered our duty to have regard to the desirability of promoting economic growth set out in section 108(1) of the Deregulation Act 2015 and the guidance issued under section 110 of that Act in deciding whether to grant this permit. Paragraph 1.3 of the guidance says: "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

Aspect considered	Decision
	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.

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

The application was advertised externally on the GOV.UK website between 24 July and 21 August 2018 to invite any responses and comments from the general public. No responses were received.