Permitting decisions

Bespoke permit

We have decided to grant the permit for **Elms Farm Poultry Unit** operated by **Mr William, Mrs Hilda and Mr Alfred Oliver**

The permit number is **EPR/YP3832JZ**

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. The introductory note summarises what the permit covers.

Key issues of the decision

Introduction

This is a determination of a new intensive farming broiler installation. This is a green field site with no facilities currently in place.

New Intensive Rearing of Poultry and Poultry BAT Conclusions document

The new Best Available Techniques (BAT) Reference Document (BREF) for the Intensive Rearing of poultry or pigs (IRPP) was published on the 21st February 2017. There is now a separate BAT Conclusions document which will set out the standards that permitted farms will have to meet.

The BAT Conclusions document is as per the following link

http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32017D0302&from=EN

Now the BAT Conclusions are published all new installation farming permits issued after the 21st February 2017 must be compliant in full from the first day of operation.

There are some new requirements for permit holders. The conclusions include BAT Associated Emission Levels for ammonia emissions which will apply to the majority of permits, as well as BAT associated levels for nitrogen and phosphorous excretion.

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

New BAT conclusions review

There are 34 BAT conclusion measures in total within the BAT conclusion document dated 21st February 2017.

We sent out a not duly made request, requiring the Applicant to confirm that the new installation complies in full with all the BAT conclusion measures.

The Applicant confirmed their compliance with all BAT conditions for the new installation in their application supporting information (duly made 18/09/18).

The following is a more specific review of the measures the Applicant has applied to ensure compliance with the above key BAT measures

BAT measure	**Applicant compliance measure**
BAT 3 - Nutritional management Nitrogen excretion	Applicant will operate a multiphase feeding strategy to meet the AEL
BAT 4 Nutritional management Phosphorous excretion	Applicant will operate a multiphase feeding strategy to meet the AEL
BAT 24 Monitoring of emissions and process parameters - Total nitrogen and phosphorous excretion	Table S3.3 Process monitoring requires the operator to undertake relevant monitoring that complies with the BAT conclusions. Total nitrogen and phosphorous will be monitored based on mass balance.
BAT 25 Monitoring of emissions and process parameters - Ammonia emissions	Ammonia monitoring will be in form of usage of standard emission factors.
BAT 26 Monitoring of emissions and process parameters - Odour emissions	The installation has an odour management plan and will implement daily site tours.
BAT 27 Monitoring of emissions and process parameters	Table S3.3 Process monitoring requires the Applicant to undertake relevant monitoring that complies with this BAT

BAT measure	Applicant compliance measure
-Dust emissions	conclusion. The Applicant will utilise standard dust emission factors.
BAT 32 Ammonia emissions from poultry houses - Broilers	BAT AEL to be complied with is 0.08 kg NH3/animal place/year. Ammonia screening was completed using AST v4.5 and the standard emission factor of 0.034. We are satisfied that the Applicant will meet the BAT AEL, without the requirement for any further ammonia emission reduction measures.

Industrial Emissions Directive (IED)

The Environmental Permitting (England and Wales) (Amendment) Regulations 2013 were made on the 20 February and came into force on 27 February 2013. These Regulations transpose the requirements of the IED.

This permit implements the requirements of the European Union Directive on Industrial Emissions.

Groundwater and soil monitoring

As a result of the requirements of the Industrial Emissions Directive, all permits are now required to contain a condition relating to protection of soil, groundwater and groundwater monitoring. However, the Environment Agency's H5 Guidance states **that it is only necessary for the operator to take samples** of soil or groundwater and measure levels of contamination where there is evidence that there is, or could be existing contamination and:

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

H5 Guidance further states that it is **not essential for the Operator** to take samples of soil or groundwater and measure levels of contamination where:

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

The site condition report (SCR) for Elms Farm Poultry Unit (dated August 2018) 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.**

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:

- Poultry production to including: cleaning out, feed storage and filling of silos, animal movement and use of machinery
- Disposal of carcasses
- Litter/ dirty water spreading
- Dirty water tanks

Odour Management Plan Review

An odour management plan was submitted as part of the permit application because there are sensitive receptors within 400m of the installation boundary. Odour has been risk assessed in line with H1.

A revised OMP was requested from the operator to provide clarity on the definitive list of sensitive receptors within 400m of the installation boundary. The closest relevant receptor is 380 metres from the installation boundary.

The final odour management plan, dated 18/09/18, details how activities on site will be managed to control odour in particular the delivery of feed and stock, litter management and dirty water management. The OMP outlines a complaints procedure should there be any complaints and the odour management plan will be reviewed every year or earlier if there are substantiated complaints. We are therefore satisfied that operations on site will reduce the risk of odour pollution and we consider the site to be low risk.

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 are relevant sensitive receptors (excluding farmer/farmer workers owned buildings) 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 (see previous section on 'Odour' listing sensitive receptors). The Operator has provided a noise management plan (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 as follows: poultry clean out, feed, use of machinery and litter/dirty water spreading.

We have assessed the NMP submitted with the application 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.

As for noise, the residences occupied by the farm manager and people associated with the farm are not considered as sensitive receptors as it is unlikely that noise will be perceived as a nuisance.

There is the potential for noise from the installation beyond the installation boundary. However the risk of noise beyond the installation boundary is considered unlikely to cause a nuisance.

A revised NMP was requested from the operator to provide clarity on the definitive list of sensitive receptors within 400m of the installation boundary. The closest relevant receptor is 380 metres from the installation boundary. This final NMP is dated 18/09/18.

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 two sensitive receptors within 100m of the Installation boundary. The closest receptor is 55 metres from the installation boundary.

Guidance on our website concludes that applicants need to produce and submit a dust and bio aerosol management plan 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 two receptors within 100m of the Installation, the Operator was required to submit a dust and bio aerosol management plan 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 Dust Management Plan submitted 04/09/18 to reduce dust emissions:

- Use of feed delivered in sealed systems and stored in covered containers/silos
- Bedding and Litter Management to minimize dust emissions.
- Regular clearing of dust to prevent build up within buildings,
- roofs and around vents, as part of the disease control strategy.

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 for broilers.

There is one SSSI and twenty one Local Wildlife Sites within the relevant screening distances. There are no European/Ramsar Sites within the 5 km screening distance.

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 (CLe) or critical load (CLo) 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 dated 22/02/18 has indicated that emissions from Elms Farm Poultry Unit will only have a potential impact on SSSI sites with a precautionary critical level of 1µg/m^3 if they are within **1116** metres of the emission source.

Beyond 1116 m the PC is less than 0.2µg/m^3 (i.e. less than 20% of the precautionary 1µg/m^3 critical level) and therefore beyond this distance the PC is insignificant. In this case all SSSIs are beyond this distance (see table below) and therefore screen out of any further assessment.

Where the precautionary level of 1µg/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 1µg/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)
Burbage Wood and Aston Firs	3,992

Conclusion

In this case all SSSI's are beyond this distance (see table above) and therefore screen out of any further assessment.

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 dated 22/02/18 has indicated that emissions from this installation will only have a potential impact on the LWS/AW sites with a precautionary critical level of 1µg/m^3 if they are within **383** metres of the emission source.

Beyond 383 m the PC is less than 1µg/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 2 – LWS/AW Assessment

Name of LWS/AW	Distance from site (m)
Clarendon Park, Mature Ash 3 LWS	2,195
Three Pots Grassland LWS	1,881
Sketchley Park Ash tree LWS	1,338
Sketchley Park hedgerow Ash LWS	1,265

Sketchley House Poplar tree LWS	1,348
Sketchley path Ash tree 3 LWS	1,386
Sketchley path Ash tree 2 LWS	1,399
Sketchley Meadows hedgerow LWS	884
Sketchley path Ash tree LWS	1,369
Sketchley Meadows pond LWS	488
Factory Ash tree LWS	882
Sketchley Lane hedgerow and Ash LWS	908
Sketchley Lane hedgerow LWS	918
Sketchley Grange hedgerow LWS	1,000
Manor Farm hedgerow LWS	945
Sketchley Lane Oak Tree LWS	1,637
Avenue Oak tree LWS	984
Ashby Canal, railway to Limekilns LWS	465
Sketchley grassland and hedgerow LWS	1,054
Sketchley Brook Pool LWS	716
Playing field hedgerow LWS	2,111
Sketchley Lake LWS	1,278
Burbage Flood Retention Area LWS	2,155
Clarendon Park Aboretum LWS	1,948
Brodick Road Flood Retention Area LWS	1,957
Clarendon Park, Mature Ash 2 LWS	2,105
Clarendon Park, Mature Ash 1 LWS	2,190
Stretton Croft LWS	1,905
Burbage, M69 roundabout hedge LWS	2,135
Burbage, Bullfurlong Lane track hedge (west) LWS	2,210
Burton Hill Meadows LWS	2,142

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. The decision was taken in accordance with our guidance on confidentiality.
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 • Environmental Health (Local authority Shropshire Council) • Health and Safety Executive • Public Health England/Director of Public Health. The comments and our responses are summarised in the consultation section.
Operator	
Control of the facility	We are satisfied that the applicant (now the operator) is the person who will have control over the operation of the facility after the grant of the permit. The decision was taken in accordance with our guidance on legal operator for environmental permits.
The facility	
The regulated facility	We considered the extent and nature of the facility at the site in accordance with RGN2 'Understanding the meaning of regulated facility', 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 a plan which we consider is satisfactory, showing the extent of the site of the facility including the discharge points. 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,	The application is within the relevant distance criteria of a site of heritage, landscape

Aspect considered	Decision
landscape and nature conservation	or nature conservation, and/or protected species or habitat. We have assessed the application and its potential to affect all known sites of nature conservation, landscape and heritage and/or protected species or habitats identified in the nature conservation screening report as part of the permitting process. We consider that the application will not affect any sites of nature conservation, landscape and heritage, and/or protected species or habitats identified. There are no European/Ramsar sites within 5 km screening distance so no HRA 1 risk assessment is required. Please refer to the key issues section for further details
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. The assessment shows that, applying the conservative criteria in our guidance on environmental risk assessment, all emissions may be categorised as environmentally insignificant
Operating techniques	
General operating techniques	We have reviewed the techniques used by the operator and compared these with the relevant guidance notes and we consider them to represent appropriate techniques for the facility. The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit. The operating techniques are as stated in Non-Technical Summary and Application Supporting Documents and request for information further responses and are summarized as follows : • Four broiler houses equipped with high velocity roof fans (efflux velocity 11 m/s). • Houses will be warmed with the usage of LPG boiler. • Temperature and humidity is computer controlled • Bird will be fed a minimum of three diets with reducing level of protein and phosphorous as bird weight increases • Fallen stock collected and recorded daily and removed under the National Fallen Stock Scheme • Clean water and lightly contaminated yard water discharges to soak aways • Dirty water is transferred to dedicated dirty water tanks The proposed techniques for priorities for control are in line with the benchmark levels contained in the Sector Guidance Note EPR6.09 and we consider them to represent appropriate techniques for the facility. The permit conditions ensure compliance with relevant BREFs.
Odour management	We have reviewed the odour management plan in accordance with our guidance on odour management. We consider that the odour management plan is satisfactory.
Noise management	We have reviewed the noise management plan in accordance with our guidance on noise assessment and control. We consider that the noise management plan is satisfactory.

Aspect considered	Decision
Permit conditions	
Emission limits	We have decided that emission limits as set out in Table S3.3 of the permit are required in accordance with the 2017 Intensive Farming BAT conclusion document requirements.
Monitoring	Monitoring requirements, based on 2017 Intensive Farming BAT conclusion document requirements, have been set within Table S3.3.
Reporting	We have specified process monitoring reporting in the permit. We made these decisions in accordance with the 2017 Intensive Farming BAT conclusion document.
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 and National Enforcement Database have been checked to ensure that all relevant convictions have been declared. No relevant convictions were found. The operator satisfies the criteria in our guidance on operator competence.
Financial competence	There is no known reason to consider that the operator will not be financially able to comply with the permit conditions.
Growth Duty	
Section 108 Deregulation Act 2015 – Growth duty	We have considered our duty to have regard to the desirability of promoting economic growth set out in section 108(1) of the Deregulation Act 2015 and the guidance issued under section 110 of that Act in deciding whether to vary this permit. Paragraph 1.3 of the guidance says: “The primary role of regulators, in delivering regulation, is to achieve the regulatory outcomes for which they are responsible. For a number of regulators, these regulatory outcomes include an explicit reference to development or growth. The growth duty establishes economic growth as a factor that all specified regulators should have regard to, alongside the delivery of the protections set out in the relevant legislation.” We have addressed the legislative requirements and environmental standards to be set for this operation in the body of the decision document above. The guidance is clear at paragraph 1.5 that the growth duty does not legitimise non-compliance and its purpose is not to achieve or pursue economic growth at the expense of necessary protections. We consider the requirements and standards we have set in this permit are reasonable and necessary to avoid a risk of an unacceptable level of pollution. This also promotes growth amongst legitimate operators because the standards applied to the operator are consistent across businesses in this sector and have been set to achieve the required legislative standards.

Consultation

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

Response received from
Public Health England dated 08/10/18
Brief summary of issues raised
General concern raised regarding impact of installation bio aerosol emissions
Summary of actions taken or show how this has been covered
The bio aerosol risk has been covered by the dust management plan from the Operator in accordance with our guidance.

No other responses were received.