

# Permitting decisions

## Bespoke permit

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We have decided to grant the permit for Cliff Farm operated by Annyalla Chicks (UK) Broiler Breeders Limited. The permit number is EPR/QP3333QM.

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

## 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 installation farming permits issued after the 21<sup>st</sup> 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 33 BAT conclusion measures in total within the BAT conclusion document dated 21<sup>st</sup> February 2017.

The Applicant has confirmed their compliance with all relevant BAT conditions for the new installations or new housing, in their document reference 'Cliff Farm, Scampton Technical Standard' and dated 01/10/2018.

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 measures  |
|--|--|
| BAT 25<br>Monitoring of emissions and process parameters<br><br>Broiler Breeder<br><br>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<br>Monitoring of emissions and process parameters<br><br>Broiler Breeder<br><br>Dust emissions    | Table S3.3 Process monitoring requires the operator to undertake relevant monitoring that complies with these BAT conclusions.<br><br>The Applicant has confirmed they will report the dust emissions to the Environment Agency annually by multiplying the dust emissions factor for broilers by the number of birds on site. |

## 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 Cliff Farm (submitted with application EPR/QP3333QM/A001 Duly Made on 01/10/18) 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

There are no sensitive receptors within 400m of Cliff farm, therefore no further assessment required. (Condition 3.3 of the permit ensures that odorous emissions from the activities shall be free from odour at levels likely to cause pollution outside the farm).

## Noise

There are no sensitive receptors within 400m of Cliff farm, therefore no further assessment required. (Condition 3.4 of the permit ensures noise and vibration will be at levels not likely to cause pollution outside the farm).

## Dust and Bio aerosols

There are no sensitive receptors within 100m of Cliff farm, therefore no further assessment required.

## Ammonia

The applicant has demonstrated that the housing will meet the relevant NH<sub>3</sub> BAT-AEL.

There are No Special Areas of Conservation (SAC), Special Protection Areas (SPA), Ramsar sites located within 5 kilometres of the installation. There are No Sites of Special Scientific Interest (SSSI) located within 5 km of the installation. However, there are also 2 Local Wildlife Sites (LWS) located within 2 km of the installation.

## Ammonia assessment - LWS

The following trigger thresholds have been applied for the assessment of these sites:

- If the process contribution (PC) is below 100% of the relevant critical level (CLE) or critical load (CLO) then the farm can be permitted with no further assessment.

Initial screening using ammonia screening tool version 4.5 has indicated that emissions from Cliff Farm will only have a potential impact on the LWS's with a precautionary critical level of  $1\mu\text{g}/\text{m}^3$  if they are within 793m of the emission source.

Beyond 793m the PC is less than  $1\mu\text{g}/\text{m}^3$  and therefore beyond this distance the PC is insignificant. In this case all the LWS's beyond this distance (see table 1 below) and therefore screen out of any further assessment.

**Table 1 - LWS Assessment**

| <b>Name of LWS</b>                | <b>Distance from site (m)</b> |
|-----------------------------------|-------------------------------|
| Ermine Street, Cammeringham (LWS) | 1,481                         |
| Welton Cliff Road Verges (LWS)    | 1,158                         |

No further assessment is necessary.

#### **Change of company**

The original application forms indicated Annyalla Chicks (UK) Broilers Limited as the applicant. During the determination process this was amended to Annyalla Chicks (UK) Broiler Breeders Limited (separate legal entity) confirmed within an email dated 30/10/18

## Decision checklist

| Aspect considered   | Decision   |
|---|--|
| <b>Receipt of application</b>                             |  |
| Confidential information                                  | A claim for commercial or industrial confidentiality has not been made.  |
| Identifying confidential information                      | We have identified information provided as part of the application that we consider to be confidential.  |
| <b>Consultation</b>                                       |  |
| 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"> <li>• The Director of Public Health;</li> <li>• Public Health England;</li> <li>• The Health and Safety Executive; and</li> <li>• Planning and Environmental Health - Lincolnshire County Council / West Lindsey District Council</li> </ul> <p>The comments and our responses are summarised in the <a href="#">consultation section</a>.</p> |
| <b>Operator</b>   |  |
| 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.   |
| <b>The site</b>   |  |
| 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.   |
| Biodiversity, heritage, landscape and nature conservation | The application is not within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat.   |
| <b>Environmental risk assessment</b>                      |  |
| Environmental risk  | We have reviewed the operator's assessment of the environmental risk from the facility. The operator's risk assessment is satisfactory.  |
| <b>Operating techniques</b>                               |  |
| General operating   | We have reviewed the techniques used by the operator and compared these with the   |

| Aspect considered          | Decision   |
|----------------------------|--|
| techniques                 | <p>relevant guidance notes and we consider them to represent appropriate techniques for the facility.</p> <p>The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.</p> <p>The operating techniques are as follows:</p> <ul style="list-style-type: none"> <li>• Feeding regime - 3 to 4 diets</li> <li>• Leak free water nipple drinker</li> <li>• Bedding management – friable / dry</li> <li>• Appropriate storage and disposal of carcasses</li> <li>• Drainage from animal housing and water from cleaning out is collected in underground storage tanks. Clean drainage systems are not contaminated.</li> <li>• Housing design / refurb and management is in accordance with SGN EPR6.09 ‘How to comply with your environmental permit for intensive farming.</li> </ul> <p>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.</p> |
| <b>Permit conditions</b>   |  |
| 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.</p> <p><i>Ammonia (25) and dust (27) Estimation using emission factors to be reported annually., There are no BAT AEL's for Broiler Breeders.</i></p> <p>These monitoring requirements have been imposed in order to implement the IRPP BAT Conclusions as published on 21st February 2017.</p>   |
| Reporting                  | <p>We have specified reporting in the permit.</p> <p>We made these decisions in accordance with the IRPP BAT Conclusions as published on 21st February 2017.</p>   |
| <b>Operator competence</b> |  |
| Management system          | <p>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.</p> <p>The decision was taken in accordance with the guidance on operator competence and how to develop a management system for environmental permits.</p>  |
| Relevant convictions       | <p>The Case Management System has been checked to ensure that all relevant convictions have been declared.</p> <p>No relevant convictions were found. The operator satisfies the criteria in our guidance on operator competence.</p>  |
| Financial competence       | <p>There is no known reason to consider that the operator will not be financially able to comply with the permit conditions.</p>   |

| Aspect considered                               | Decision   |
|---|--|
| <b>Growth Duty</b>                              |  |
| 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 vary 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> |

# Consultation

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

## Responses from organisations listed in the consultation section

|   |
|---|
| <b>Response received from</b>   |
| Public Health England (PHE)   |
| <b>Brief summary of issues raised</b>   |
| <p>The application is for a permit to operate an intensive farming installation, with 46,000 laying places. These birds will be situated across four purpose-built poultry houses. Two of these poultry houses are existing structures, already used as a broiler-breeder installation. Two new poultry houses will be built on the site, comprising steel frame construction with external timber cladding, concrete sub walls and concrete floors.</p> <p>The main emissions of potential public health significance are emissions to air of bioaerosols, dust including particulate matter and ammonia. The site borders onto open arable land on all sides. There are no sensitive receptors within 400 metres of the site. There is a small active oil well approximately 130 metres from the western boundary and RAF Scampton is approximately 600 metres to the north-west. All houses have fanned ventilation systems. The two existing houses have side ventilation fans with side inlets and the two new houses have high-velocity extraction fans mounted in the roof ridge with side inlets. The two new houses also have auxiliary gable-end fans located at the rear of the buildings. The application includes appropriate measures to reduce the release of dust and bioaerosols, including monitoring of levels released</p> <p>It is assumed by PHE that the installation will comply in all respects with the requirements of the permit, including the application of Best Available Techniques (BAT). This should ensure that emissions present a low risk to human health.</p> |
| <b>Summary of actions taken or show how this has been covered</b>   |
| We are confident that that Applicant has demonstrated that the farm will comply with BAT, and pose a minimal risk to human health.  |

The following organisations were consulted, however no responses were received: The Director of Public Health; The Health and Safety Executive; Lincolnshire County Council / West Lindsey District Council – Planning; Lincolnshire County Council / West Lindsey District Council - Environmental Health.