

Permitting decisions

Bespoke permit

We have decided to grant the permit for Rookery Farm Poultry Unit operated by Annyalla Chicks (UK) Broiler Breeders Limited.

The permit number is EPR/DP3333QE.

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

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 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.

The Applicant has confirmed their compliance with all BAT conditions for the new installation, in their document reference Technical Standards and dated 12/09/2018.

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 3 - Nutritional management Nitrogen excretion	A multiphase feeding regime is in place using a diet formulation that is adapted to the specific requirements of the crop cycle. There are typically 3-4 different rations used throughout the production period of the broiler-breeder laying flock that take account of the specific nutritional requirements of the birds at different times in the egg laying cycle. Rations are developed and controlled by nutrition specialists employed by the operator's UKAS accredited feed suppliers. In the case of broiler-breeders there are no BAT-associated figures for the total nitrogen and total phosphorous excreted.
BAT 4 Nutritional management Phosphorous excretion	A multiphase feeding regime is in place using a diet formulation that is adapted to the specific requirements of the crop cycle. There are typically 3-4 different rations used throughout the production period of the broiler-breeder laying flock that take account of the specific nutritional requirements of the birds at different times in the egg laying cycle. Rations are developed and controlled by nutrition specialists employed by the operator's UKAS accredited feed suppliers. In the case of broiler-breeders there are no BAT-associated figures for the total nitrogen and total phosphorous excreted.
BAT 25 Monitoring of emissions and process parameters	Table S3.3 of the Permit concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions. The Operator has confirmed that the monitoring technique will use emission factors to

BAT measure	Applicant compliance measure
- Ammonia emissions	estimate emissions.
BAT 26 Monitoring of emissions and process parameters - Odour emissions	<p>In accordance with BAT Conclusions BAT 26 odour emissions to air are periodically monitored in the following manner: -</p> <ul style="list-style-type: none"> - Internal relative humidity and temperature are measured and recorded daily. This is captured automatically but is also recorded manually as a back-up. - Litter quality is assessed for moisture level and recorded daily - Daily stockman checks are made to detect abnormally high housekeeping odours - Additional daily checks are made in the event of a disease situation to monitor for the possibility of increased odour as a result. - Checks of the surrounding areas and perimeters are made by staff who do not work regularly on the farm (typically the area/business manager). These checks are made at least monthly, increasing to twice per month during the summer months. Checks include sniff tests as well as visual inspection to look for anything that could lead to a potential odour problem. - Weather conditions are monitored and recorded daily. - Any complaints and any subsequent actions are logged using the complaint report format. - Staff are to receive annual training regarding Environmental Permitting Regulations – which will include odour management and any new company procedures. <p>It should be noted that there are no receptors within 400m of the installation boundary, but nonetheless, an odour management plan has been submitted with the application.</p>
BAT 27 Monitoring of emissions and process parameters -Dust emissions	<p>Table S3.3 Process monitoring requires the operator to undertake relevant monitoring that complies with these BAT conclusions.</p> <p>The Applicant has confirmed they will report the dust emissions to the Environment Agency annually by multiplying the dust emissions factor for broiler breeders by the number of birds on site.</p> <p>This information is present within the technical standards document and has been referenced in Table S1.2 Operating techniques of the Permit.</p>

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 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 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 Rookery Farm Poultry Unit (dated 12/09/18) 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 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.

In this instance, there are no sensitive receptors within 400m of the installation. However, the applicant has provided a risk assessment for the Installation which lists key potential risks of odour pollution beyond the Installation boundary.

Despite not being a requirement, the Operator has also produced an OMP, and has been incorporated as an operating technique. No further assessment is required.

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 no sensitive receptors within 400 metres of the Installation boundary. However, the applicant has provided a risk assessment for the Installation which lists key potential risks of noise pollution beyond the Installation boundary. Furthermore, the Operator has provided a noise management plan (NMP) as part of the Application supporting documentation despite there being no requirement to do so, which has been incorporated as an operating technique. No further assessment is required.

Dust and Bioaerosols

The use of Best Available Techniques and good practice will ensure minimisation of emissions. There are measures included within the Permit (the 'Fugitive Emissions' conditions) to provide a level of protection. Condition 3.2.1 'Emissions of substances not controlled by an emission limit' is included in the Permit. This is used in conjunction with condition 3.2.2 which states that in the event of fugitive emissions causing pollution following commissioning of the Installation, the Operator is required to undertake a review of site activities, provide an emissions management plan and to undertake any mitigation recommended as part of that report, once agreed in writing with the Environment Agency.

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.

There are no sensitive receptors within 100m of the Installation boundary.

As there are no receptors within 100m of the Installation, the Applicant was not required to submit a dust and bioaerosol risk assessment, however despite this, they have submitted a risk assessment that examines the risk from dust. Furthermore, they have produced and provided a dust & bioaerosols management plan. dust and bioaerosol risk assessment. No further assessment is required.

Ammonia

There are two Sites of Special Scientific Interest (SSSI) located within 5 km of the installation. There are also four Local Wildlife Site(s) (LWS) within 2 km of the installation.

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 (CL_e) or critical load (CL_o) 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 has indicated that emissions from Rookery Farm Poultry Unit will only have a potential impact on SSSI sites with a precautionary critical level of 1µg/m³ if they are within 2074 metres of the emission source.

Beyond 2074m the PC is less than 0.2µg/m³ (i.e. less than 20% of the precautionary 1µg/m³ 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/m³ 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/m³ 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)
Bardney Limewoods, Lincolnshire	5091
Wickenby Wood	3709

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 (CL_e) or critical load (CL_o) then the farm can be permitted with no further assessment.

Initial screening using ammonia screening tool version 4.5 has indicated that emissions from Rookery Farm Poultry Unit will only have a potential impact on the LWS sites with a precautionary critical level of 1µg/m³ if they are within 815 metres of the emission source.

Beyond 815m the PC is less than 1µg/m³ and therefore beyond this distance the PC is insignificant. In this case all LWSs are beyond this distance (see table below) and therefore screen out of any further assessment.

Table 2 – LWS Assessment

Name of LWS	Distance from site (m)
The Nook	1792
Snarford Meadow	1355
Cold Hanworth Road Verge	1267
Little Grange Field	1710

Decision checklist

Aspect considered	Decision
Receipt of application	
Confidential information	A claim for commercial or industrial confidentiality has not been made.
Identifying confidential information	We have not identified information provided as part of the application that we consider to be confidential.
Consultation	
Consultation	<p>The consultation requirements were identified in accordance with the Environmental Permitting Regulations and our public participation statement.</p> <p>The application was publicised on the GOV.UK website.</p> <p>We consulted the following organisations:</p> <p>Public Health England (PHE)</p> <p>Director of Public Health, Lincolnshire County Council.</p> <p>Local Authority Environmental Health, West Lindsey District Council</p> <p>Health and Safety Executive (HSE)</p> <p>The comments and our responses are summarised in the consultation section.</p>
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	<p>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.</p> <p>The extent of the facility is defined in the site plan and in the permit. The activities are defined in table S1.1 of the permit.</p>
The site	
Extent of the site of the facility	The operator has provided a plan which we consider is satisfactory, showing the extent of the site of the facility. The plan is included in the permit.
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	<p>The application is within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat.</p> <p>We have assessed the application and its potential to affect all known sites of nature</p>

Aspect considered	Decision
	<p>conservation, landscape and heritage and/or protected species 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.</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.</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> <p>The operating techniques are as stated in the non technical summary and application supporting documents and request for further information responses and are summarised as follows:</p> <ul style="list-style-type: none"> • The two existing poultry houses (poultry houses 1 and 2) have side ventilation fans with side inlets and the two new poultry houses (poultry houses 3 and 4) are ventilated by roof fans with an emission point higher than 5.5 metres above ground level and an efflux velocity greater than 14m/s • Poultry houses 3 and 4 have gable end fans, although there are operated infrequently to maintain temperature, typically in the summer months. • Used litter is not stored at the installation, nor is it spread onto land belonging to the Operator. Litter is exported from the Installation, either for burning at power generation stations or for land spreading. • Water from the wash out of the poultry houses at the end of the cycle is collected in underground storage tanks. • Spent disinfectants, including soiled foot dips, are tipped onto house floors or directly into dirty water gullies that then collect to underground storage tanks. • Poultry house roof water from all houses and water draining from the yard areas (excluding periods of washout when water from the yard drains to the underground storage tanks) falls to French drains, which run adjacent to each house. Run off is directed from the French drains to a drainage ditch which runs adjacent to the Installation boundary to the north and east of the site. • Fallen stock is disposed of in accordance with current Animal By-Products Regulations. Carcasses are collected daily and stored in lockable, leak-proof containers prior to being collected by an approved contractor. <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</p>

Aspect considered	Decision
	compliance with relevant BREFs.
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> <p>It should be noted that there are no receptors within 400m of the installation and therefore although an odour management plan has been provided, this is not a requirement.</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> <p>It should be noted that there are no receptors within 400m of the installation and therefore although a noise management plan has been provided, this is not a requirement.</p>
Permit conditions	
Use of conditions other than those from the template	Based on the information in the application, we consider that we do not need to impose conditions other than those in our permit template.
Emission limits	We have decided that emission limits are not required in the permit.
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>Monitoring requirements, based on 2017 Intensive Farming BAT conclusion document requirements, have been set within Table S3.3 of the permit.</p>
Reporting	We have specified reporting in the permit. We made these decisions in accordance with the 2017 Intensive Farming BAT conclusion document, with the reporting requirements detailed in Table S3.4 of the permit.
Operator competence	
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	There is no known reason to consider that the operator will not be financially able to comply with the permit conditions.
Growth Duty	

Aspect considered	Decision
<p>Section 108 Deregulation Act 2015 – Growth duty</p>	<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

Response received from
Public Health England (PHE) – Received 13/11/2018
Brief summary of issues raised
<p>The application is for a permit to operate an intensive farming installation, with capacity for 56,000 laying birds over 4 poultry houses.</p> <p>The main emissions of potential public health significance are emissions to air of bioaerosols, dust including particulate matter and ammonia. The applicant has supplied environmental risk assessments which cover odour, noise and dust. The applicant has outlined the proposed control measures which, together with good on site management, indicates the installation presents a low risk to human health.</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> <p>More information is available on the public health impacts of intensive farms in the Public Health England Position Statement which can be found at: http://webarchive.nationalarchives.gov.uk/20140714084352/http://www.hpa.org.uk/web/HPAweb&HPAwebStandard/HPAweb_C/1195733812766</p>
Summary of actions taken or show how this has been covered
<p>The Environment Agency is satisfied following a review of the information provided by the Applicant, and the conditions present within the permit, that emissions of odour and noise from the Installation will not pose an unacceptable risk of pollution to the environment or harm to human health.</p> <p>To prevent significant emissions from the site the Operator has proposed appropriate measures to manage dust and bioaerosols - a specific risk assessment has been provided by the Operator, together with a dust and bioaerosols management plan. This includes the use of appropriate housing design and management and appropriate containment of feedstuff. We are satisfied that these measures will appropriately mitigate emissions to prevent a significant impact from the site.</p> <p>Notwithstanding the above, Condition 3.2 of the environmental permit also deals with emissions of substances not controlled by emission limits. Under this condition, if notified by the Environment Agency that the activities are giving rise to pollution, the Operator must submit an emissions management plan which identifies and minimises the risks of pollution from emissions of substances not controlled by emission limits.</p>

Response received from
Director of Public Health, Lincolnshire County Council – Received 26/11/2018
Brief summary of issues raised
<p>The main risk to the public's health is emissions to air of bioaerosols, dust (including particulate matter) and ammonia. Given the remote location of the site and providing the permit holder takes all appropriate measures to prevent or control pollution and nuisance in accordance with the relevant sector guidance and industry best practice, the risk to local residents' health and wellbeing should be low. Public Health England's (PHE) response refers to its position statement on intensive farming currently in the process of being updated, which should be taken in to account.</p>
Summary of actions taken or show how this has been covered
Please see above for the response generated as a result of Public Health England's consultation response.

Local Authority Environmental Health West Lindsey District Council and the Health and Safety Executive (HSE) were also consulted but no responses were received. No responses were received from members of the public.