

Permitting decisions

Bespoke permit

We have decided to grant the permit for Gailey Lea Farm operated by Church Farm Eggs Limited.

The permit number is EPR/ZP3034QT.

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; and
- 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 sets 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 (BAT-AELs) for ammonia emissions, which will apply to the majority of permits, as well as BAT-AELs 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 were 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 for information requiring the Applicant to confirm that the new installation complies in full with all the BAT Conclusion measures.

The Applicant has confirmed their compliance with all BAT conditions for the new installations in their document reference 'Gailey Lea Farm' received on 07/02/19 which has been referenced in Table S1.2 Operating Techniques of the permit.

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

BAT measure	Applicant compliance measure
BAT 25 Monitoring of emissions and process parameters - Ammonia emissions	<p>Table S3.3 of the permit concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions.</p> <p>The Applicant has confirmed they will report ammonia emissions to the Environment Agency annually by multiplying the standard emissions factor for pullets by the number of birds on site.</p>
BAT 26 Monitoring of emissions and process parameters - Odour emissions	<p>The approved odour management plan (OMP) includes the following details for monitoring:</p> <ul style="list-style-type: none"> • On a daily basis, odour checks will be conducted at the installation boundary to identify high housekeeping odours. • In the event elevated odour levels are detected, four hourly odour monitoring will be conducted at the locations marked on the plan received on 22/02/19. Monitoring will continue until such time as the cessation trigger point in the contingency plan has been met.
BAT 27 - Monitoring of emissions and process	<p>Table S3.3 concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions.</p>

BAT measure	Applicant compliance measure
parameters - Dust emissions	The Applicant has confirmed they will report dust emissions to the Environment Agency annually by multiplying the standard emissions factor for pullets by the number of birds on site.

More detailed assessment of specific BAT measures

Ammonia emission controls

A BAT Associated Emission Level (AEL) provides us with a performance benchmark to determine whether an activity is BAT. The BAT Conclusions document does not have a BAT-AEL for pullets 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 Gailey Lea Farm (dated 04/12/18) demonstrates that there are no hazards or likely pathway to land or groundwater and no historic contamination on site that may present a hazard from the same contaminants. **Therefore, on the basis of the risk assessment presented in the SCR, we accept that they have not provided base line reference data for the soil and groundwater at the site at this stage and although condition 3.1.3 is included in the permit no groundwater monitoring will be required.**

Odour

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

Condition 3.3 of the environmental permit reads as follows:

"Emissions from the activities shall be free from odour at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Environment Agency, unless the Operator has used appropriate

measures, including, but not limited to, those specified in any approved odour management plan, to prevent or where that is not practicable to minimise the odour.”

Under section 3.3 of the guidance an Odour Management Plan (OMP) is required to be approved as part of the permitting process if, as is the case here, sensitive receptors (sensitive receptors in this instance excludes properties associated with the farm) are within 400 metres 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:

- Manufacture and selection of feed.
- Feed delivery and storage.
- Ventilation and heating systems
- Litter management.
- Carcass disposal.
- House clean out.
- Used litter.
- Washing operations including vehicles.
- Dirty water management.

Odour Management Plan Review

We, the Environment Agency, have reviewed and approved the Odour Management Plan (OMP) and consider it complies with the requirements of our H4 Odour Management guidance note. We agree with the scope and suitability of key measures, but this should not be taken as confirmation that the details of equipment specification design, operation and maintenance are suitable and sufficient - that remains the responsibility of the Operator.

The OMP should be reviewed at least once a year to assess the effectiveness of odour control methods and procedures.

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 400 metres 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 as stated above. The Operator has provided an NMP as part of the application supporting documentation, and further details are provided below.

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:

- Vehicle movements on site.
- Alarm systems and standby generator.
- Clean out operations.
- Set up/bird placement.

- Bird catching.
- Maintenance/Repair.

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.

Ammonia

There are 2 Sites of Special Scientific Interest (SSSI) located within 5 km of the installation. There are also 12 Local Wildlife Sites (LWS) and 3 Ancient Woodlands (AW) 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 (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 has indicated that emissions from Gailey Lea Farm will only have a potential impact on SSSIs with a precautionary CLe of $1\mu\text{g}/\text{m}^3$ if they are within 1,329 metres of the emission source.

Beyond 1,329 metres the PC is less than $0.2\mu\text{g}/\text{m}^3$ (i.e. less than 20% of the precautionary $1\mu\text{g}/\text{m}^3$ CLe) and therefore beyond this distance the PC is insignificant. In this case all SSSI(s) are beyond this distance (see table below) and therefore screen out of any further assessment.

Where the precautionary level of $1\mu\text{g}/\text{m}^3$ is used and the PC is assessed to be less than 20%, the site automatically screens out as insignificant and no further assessment of CLo is necessary. In this case the $1\mu\text{g}/\text{m}^3$ 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)
Stowe Pool and Walk Mill Clay Pitt	4,803
Four Ashes Pit	2,792

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 has indicated that emissions from Gailey Lea Farm will only have a potential impact on the LWS/AW sites with a precautionary CLe of $1\mu\text{g}/\text{m}^3$ if they are within 465 metres of the emission source.

Beyond 465 metres the PC is less than $1\mu\text{g}/\text{m}^3$ and therefore beyond this distance the PC is insignificant. In this case the 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)
Rodbaston College LWS	1,038

Boggs Marsh LWS	506
Rodbaston Wood LWS	624
Staffs and Wocs Canal, Penkrige LWS	1,195
Watling Street Plantation LWS	535
Otherton Marsh, Penkrige LWS	1,583
Fullmoor Wood (south) LWS	699
Gailey Old Reservoir LWS	1,012
Hatherton Branch Canal LWS	1,982
Calf Heath Bridge (east of) LWS	1,944
Hatherton Bridge (by), Hatherton LWS	1,986
Unknown AWS	720
Unknown AWS	703
Mansty Wood AWS	1,627

If proposals are within 250 metres of a LWS, detailed modelling may be required to assess the impact of airborne ammonia emissions at the site. Gailey Reservoirs LWS is within 119 metres of Gailey Lea Farm. As a result, the Applicant instructed an ecologist to determine the sensitivity of the LWS to emissions of ammonia and nitrogen deposition. Staffordshire Ecological Record were contacted to obtain a LWS citation but no citation was available. It was however established that the site is designated as an LWS under the county site designation criterion for birds and that there are no rare, scarce or threatened aquatic vascular plants or non-vascular plants recorded on the LWS; the two groups of plants which are most at risk from nitrogen eutrophication.

The ecologist submitted a report dated October 2018 reference 'Atmospheric ammonia and nitrogen deposition on Gailey Reservoirs Local Wildlife Site'. The report concludes that 'it is considered highly unlikely that there will be any detrimental effects on the LWS from atmospheric ammonia and nitrogen deposition' as a result of the proposals at Gailey Lea Farm.

The input from aerial impacts of nitrogen on the reservoir (phytoplankton) are likely to be negligible and we have confidence that we can agree with the report conclusions. Therefore we do not require any further assessment of the potential impact on the site.

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> <ul style="list-style-type: none"> • Planning and Environmental Health – South Staffordshire Council • The Health and Safety Executive • The Director of Public Health • Public Health England <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'.</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 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,</p>

Aspect considered	Decision
	<p>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 follows:</p> <ul style="list-style-type: none"> • The houses are ventilated by high velocity roof fans with emission points higher than 5.5 metres above ground level and efflux speeds of 7 metres per second, with side inlets and gable end fans. The houses are insulated and equipped with non-leaking drinking systems. • Drainage from animal housing and water from cleaning out is collected in underground storage tanks. • Vehicle washing at designated wash point with wash water diverted to dirty water tank. • Clean drainage systems are not contaminated; diverter valves are used during wash down periods. • Carcasses are placed into plastic sealed bags, stored in locked sealed, shaded and vermin proof containers away from sensitive receptors. Collected 3-5 times per week. • Working areas around houses are concreted and kept clean during production cycle. <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>
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>See Key Issues section.</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>See Key Issues section.</p>

Aspect considered	Decision
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. See Key Issues section.
Monitoring	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. These monitoring requirements have been imposed in order to implement the IRPP BAT Conclusions as published on 21 st February 2017. See Key Issues section.
Reporting	We have specified reporting in the permit. We made these decisions in accordance with the IRPP BAT Conclusions as published on 21 st February 2017. See Key Issues section.
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 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

Aspect considered	Decision
	<p>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) on 05/03/19
Brief summary of issues raised
PHE note that the main emissions of potential public health significance are emissions to air of bioaerosols, dust, including particulate matter, and ammonia. PHE conclude that provided that the installation will comply in all respects with the requirements of the permit, including the application of Best Available Techniques (BAT), emissions present a low risk to human health.
Summary of actions taken or show how this has been covered
In line with current guidance, no bio-aerosol risk assessment or dust management plan was required as the nearest sensitive receptor is beyond 100 metres from the installation boundary. Standard conditions, 3.2.1 and 3.2.2, concerning fugitive emissions are contained within the permit.

The following organisations were consulted, however no responses were received:

- The Director of Public Health;
- The Health and Safety Executive; and
- Planning and Environmental Health – South Staffordshire Council.