

Permitting decisions

Bespoke permit

We have decided to grant the permit for Three Gables operated by S & J Walker Limited.

The permit number is EPR/TP3303PL.

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. The decision checklist summarises the decision making process 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; 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.

The Applicant has confirmed their compliance with all BAT conditions for the new installations in their document reference Technical Standards and dated 25/04/19 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 3 Nutritional management - Nitrogen excretion	The Applicant has confirmed it will demonstrate that the installation achieves levels of Nitrogen excretion below the required BAT-AEL of 0.6 kg N/animal place/year by an estimation using manure analysis for total Nitrogen content. Table S3.3 of the permit concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions.
BAT 4 Nutritional management - Phosphorous excretion	The Applicant has confirmed it will demonstrate that the installation achieves levels of Phosphorous excretion below the required BAT-AEL of 0.25 kg P ₂ O ₅ animal place/year by an estimation using manure analysis for total Phosphorous content. Table S3.3 of the permit concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions.
BAT 24 Monitoring of emissions and process parameters - Total nitrogen and phosphorous excretion	Table S3.3 concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions.
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 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
- Ammonia emissions	
BAT 27 Monitoring of emissions and process parameters - Dust emissions	Table S3.3 concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions. The Applicant has confirmed they will report the dust emissions to the Environment Agency annually by estimation using emission factors in their supporting document 'Three Gables Farm' dated 25/04/19.
BAT 32 Ammonia emissions from poultry houses - Broilers	BAT-AEL to be complied with is 0.01 – 0.08 kg NH ₃ /animal place/year. The Applicant will meet this as the emission factor for broilers is 0.034 kg NH ₃ /animal place/year. The installation does not include an air abatement treatment facility, hence the standard emission factor complies with the BAT-AEL.

More detailed assessment of specific BAT measures

Ammonia emission controls – BAT conclusion 32

The new BAT Conclusions include a set of BAT-AEL's for ammonia emissions to air from animal housing for broilers.

'New plant' is defined as plant first permitted at the site of the farm following the publication of the BAT Conclusions.

All new bespoke applications issued after the 21st February 2017, including those where there is a mixture of old and new housing, will now need to meet the BAT-AEL.

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 Three Gables (dated 15/01/19) 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 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:

- Manufacture and selection of feed
- Feed delivery and storage
- Ventilation and heating systems/ dust
- Litter management
- Carcass disposal
- House clean out
- Used litter
- Washing operations including vehicles
- Fugitive emissions
- Dirty water management
- Abnormal operations
- Waste production/ storage
- Materials/ storage

Odour Management Plan Review

The sensitive receptors that have been considered under odour and noise do not include the operator's property and other people associated with the farm operations, as odour and noise are amenity issues.

There are several sensitive receptors within 400m of the site boundary.

The closest properties are Three Gables, The Quarters, Holly Garth and Inch, which are located approximately 29-36m south west of the installation boundary. There are 4 other properties to the south of the installation boundary, with the closest being ~173m from the boundary and the furthest, ~360m from the boundary.

The operator has identified the potential sources of odour (see above), as well as the potential risks and problems, detailed actions taken to minimise odour, and contingencies to minimise odour pollution. These measures include:

- No milling and mixing on site. Feed is prepared by the compounder's nutrition specialist and supplied from UKASTA accredited feed mills. Protein is reduced as the bird's age.
- Feed delivery systems are sealed to minimise dust. Any spillages are swept up immediately. Bins are checked weekly for damage and not used until repaired if damage is found. Feed deliveries are monitored to avoid dust and spills.
- Roof extraction fans to aid dispersion. Fans checked prior to each cycle and electrician available 24 hours a day all year. Stock inspections carried out twice daily by trained staff to avoid disturbance/ dust creation. Ventilation and heating checked regularly. Gable end fans used only during hot weather Humidity recorded daily
- Use of nipple drinkers to minimise spillage of water. Daily checks of drinker height and pressures to avoid capping. Insulated walls and ceilings to avoid condensation. Concrete floors to prevent water ingress. Stocking levels at optimum to prevent overcrowding. Use of veterinarian bespoke health plan.
- Carcasses placed in plastic, sealed bags and stored in sealed, shaded and vermin proof containers away from sensitive receptors. Carcasses incinerated 3-5 times per week. Containers checked daily for leaks/ damage and will not be used until repaired if damage found. Containers washed and disinfected at the end of each cycle. Mortality levels recorded daily.
- Litter placed in trailers positioned close to house doors. Trailers sheeted before living fill position. Only DEFRA approved products used for cleaning. Wash water levels monitored during washing and emptied as required to prevent overflow. Clean out carried out within 48 hours of birds leaving houses.
- No storage of used litter on site. Avoidance of double handling. Litter sold and amounts recorded.
- Use of specialist contractors for washing operations. Washing / disinfection operations carried out within 3 days of de littering. Vehicle washing at designated wash point. All sediment traps and drains cleaned both before and after washing operations, all sediment is removed with litter.
- Checks to feed storage and fill pipers as per routine maintenance scheduled twice weekly. Fuel oil in approved bunded storage tank.
- Working areas around houses are concreted and kept clean during production cycles. At clean out, dirty water from houses and lightly contaminated yard water is directed to underground storage tanks with the use of sloping concrete and kerbs to prevent run off. Dirty water tanks emptied pre wash and immediately after wash-down. Dirty water removed by a licensed disposal point.
- Water consumption monitored daily to ensure early detection of leak. During bird illness, litter covered with fresh top up bedding to prevent increased odour.
- No storage of odorous waste on site.

The OMP also provides a suitable procedure in the event of complaints in relation to odour. The OMP is required to be reviewed at least every 4 years, however the operator has confirmed that it will be reviewed annually and/or if a complaint is received, whichever is sooner.

The general wind direction is predominantly from the south west. This means that the receptors that could potentially be impacted the most would be to the north east of the installation. There are no receptors within in 400m to the north east of the installation boundary.

The Environment Agency has reviewed the 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.

Noise

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

Condition 3.4 of the permit reads as follows:

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

There are sensitive receptors within 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:

- Ventilation fans
- Feed deliveries
- Feeding systems
- Fuel deliveries
- Alarms systems
- Bird catching
- Clean out operations
- Maintenance and repairs
- Set up and placement
- Standby generator testing

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.

Noise Management Plan Review

Sensitive receptors as listed under 'Odour' section.

The sensitive receptors that have been considered under odour and noise do not include the operator's property and other people associated with the farm operations as odour and noise are amenity issues.

A noise management plan (NMP) has been provided by the operator) as part of the application supporting documentation (reference Noise Management Plan') (see 'Odour' section for distances of individual properties).

There is the potential for noise from the installation beyond the installation boundary. As long as the NMP is followed, the risk of noise beyond the installation boundary is considered unlikely to cause a nuisance.

The prevailing wind is from the south west indicating the receptors located to the north east of the installation would potentially be at the highest risk. There are no receptors to the north east of the installation boundary.

The operator has identified the receptors and are listed above. The operator has identified the potential sources of odour (see above), as well as the potential risks and problems, detailed actions taken to minimise noise, and contingencies to minimise noise pollution. These measures include:

- Operations screened behind buildings or by woodland surrounding site as far as practical.
- Noise from fans assessed twice per da. Large capacity and side mounted fans, reducing number of fans required. Fans operated on an intermittent programme. Regular end of cycle maintenance by qualified electrician. Noisy fans isolated and electrician notified.
- Feed delivery Lorries fitted with silencers. Large capacity Lorries used to reduce number of deliveries. Road/ track maintenance checked weekly. Feed bins screened and sited away from receptors as far as practical.
- Daily inspection of feed bin stocks to prevent augurs running empty. Internal feeders checked twice daily. Regular end of cycle maintenance.
- Speed restriction of vehicles on site. No engines to be left idling. Vehicles routed to minimise disruption to nearby receptors directly to A5. Vehicles checked by manager for excessive noise.
- Fuel deliveries time restricted. Large delivery vehicles reducing number or deliveries.
- Use of mobile phones or pagers for alarms. No audible alarms on site.
- Bird catching teams are fully trained and advised prior to catching birds to keep noise to a minimum. Crates to be placed carefully on concrete yard prior to house entry. Lorries scheduled to minimise duration of catch. Lorries parked as close to the doors of houses as possible. Screen curtains fitted to Lorries.
- Litter removal takes place during normal working house (07:00 – 19:00). Trailers parked close to doors. Large trailers used to reduce traffic. Wash down carried out during normal working house.
- Maintenance and repair takes place during normal working house (except ion emergency). Routine end of cycle servicing.
- Birds delivered to site during normal working hours.
- Tests on generator done during normal working hours every Monday. Housed within insulated building/ jacket.

The NMP also provides a suitable procedure in the event of complaints in relation to noise. The NMP will be reviewed annually or following any complaint.

We have included our standard noise and vibration condition 3.4.1 in the Permit, which requires that emissions from the activities shall be free from noise and vibration at levels likely to cause pollution outside the Installation, 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 (which is captured through condition 2.3 and Table S1.2 of the Permit), to prevent or where that is not practicable to minimise the noise and vibration.

We are satisfied that the manner in which operations are carried out on the Installation will minimise the risk of noise pollution.

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 4 sensitive receptors within 100m of the installation boundary, the nearest sensitive receptor, Three Gables (the nearest point of their assumed property boundary) is approximately 29 m to the south west of the installation boundary. The other 3 properties are approximately 32 m to the south west (The Quarters and Holly Garth) and ~36 m to the south west (Inch).

The Applicant has provided a dust and bio aerosol risk assessment.

In addition guidance on our website concludes that Applicants need to produce and submit a dust and bio aerosol management plan beyond the requirement of the initial 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.

As there are receptors within 100m of the installation, the Applicant was required to submit a dust and bio aerosol management 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 the risk of spillages) all reduce the potential for emissions impacting the nearest receptors. The Applicant has confirmed the following measures in their operating techniques to reduce dust:

- Feed delivered in sealed systems. Dust socks fitted to silo exhaust pipes. Closed system delivery of feed from silo to poultry house. Feed spills dealt with promptly.
- Use of suitable bedding materials, not blown into poultry house.
- Computer controlled environment keeping humidity between 55 and 60% minimising dust.
- Use of side wall extraction fans.
- Litter removed carefully during cleanout minimising dust. Full trailers sheeted before leaving installation.
- Siting of poultry houses behind other farm buildings. Prevailing wind away from receptors.

Conclusion

We are satisfied that the measures outlined in the application will minimise the potential for dust and bioaerosol emissions from the installation.

Ammonia

The Applicant has demonstrated that the housing will meet the relevant NH₃ BAT-AEL.

There is 1 Special Area of Conservation (SAC) site located within 5 kilometres of the installation. There are 3 Sites of Special Scientific Interest (SSSI) located within 5 km of the installation. There are also 2 Ancient Woodlands (AW) within 2 km of the installation.

Ammonia assessment – SAC/SPA/Ramsar

The following trigger thresholds have been designated for the assessment of European sites:

- If the process contribution (PC) is below 4% 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 SAC.

Screening using the ammonia screening tool version 4.5 has determined that the process contributions of ammonia emissions, nitrogen deposition and acid deposition from the application site is over the 4% significance threshold. As such, it is not possible to conclude no adverse effect alone. Where the PC falls between 4% and 20%, Environment Agency guidance indicates that an in-combination assessment should be undertaken.

There are no other farms acting in combination with this application. The PC is predicted to be less than 20% of the CLe / load significance threshold. It is possible to conclude no adverse effect to the site from the installation and therefore no further assessment is required. See results below.

Table 1 – Ammonia emissions

Site	Critical level ammonia $\mu\text{g}/\text{m}^3$	Predicted process contribution $\mu\text{g}/\text{m}^3$	% of critical level
Cumbrian Marsh Fritillary Site (SAC)	3*	0.147	4.9

*CLE of 3 for ammonia found using APIS (23rd January 2019).

Table 2 – Nitrogen deposition

Site	Critical load kg N/ha/yr. [1]	Predicted PC kg N/ha/yr.	PC % of critical load
Cumbrian Marsh Fritillary Site (SAC)	10	0.762	7.6

Note [1] Critical load values taken from APIS website (www.apis.ac.uk) – 23rd January 2019

Table 3 – Acid deposition

Site	Critical load keq/ha/yr. [1]	Predicted PC keq/ha/yr.	PC % of critical load
Cumbrian Marsh Fritillary Site (SAC)	1.318	0.054	4.1

Note [1] Critical load values taken from APIS website (www.apis.ac.uk) – 23rd January 2019

No further assessment is required.

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 Three Gables will only have a potential impact on SSSIs with a precautionary CLe of $1\mu\text{g}/\text{m}^3$ if they are within 1825 metres of the emission source.

Beyond 1825m 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 SSSIs 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 4 – SSSI Assessment

Name of SSSI	Distance from site (m)
Skelton Pasture	2159
Lazonby Fell	4571

Middlesceugh Woods and Pastures	4366
---------------------------------	------

Ammonia assessment - 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. Three Gables will only have a potential impact on the AW sites with a precautionary CLe of $1\mu\text{g}/\text{m}^3$ if they are within 762 metres of the emission source.

Beyond 762m 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 AWs are beyond this distance (see table below) and therefore screen out of any further assessment.

Table 5 – AW Assessment

Name of AW	Distance from site (m)
Hill Wood	1508
Cottage Wood	1992

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: <ul style="list-style-type: none"> • Public Health England /Director of Public Health. • Local Authority (Carlisle) • Health and Safety Executive 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'. 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. 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 within the relevant distance criteria of a site of heritage, landscape 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,

Aspect considered	Decision
	<p>landscape and heritage, and/or protected species or habitats identified.</p> <p>We have consulted Natural England on our Habitats Regulations assessments, and taken their comments (in an email dated 28/06/19) into account in the permitting decision. Natural England provided the following comments:</p> <ul style="list-style-type: none"> • <i>According to APIS the current average concentration levels for N and NH3 for the Cumbrian Marsh Fritillary SAC are 32.11 kg/ha/yr and 3.27ug/m3 respectively compared to the threshold levels set of 10-25kg and 3ug.</i> • <i>This exceedance prompted us to undertake a SCAIL assessment for the existing and proposed scenarios which shows a potential reduction from 10% process contribution to 6% for ammonia with a PEC (background plus proposed) of 112% for the Cumbrian Marsh Fritillary SAC. This is very close to your figure of 4.9% PC but still exceeds the threshold.</i> • <i>We have identified one other unpermitted proposal within 5km at Harrington Ling Farm that could act in combination but this is 3.8km NE of the current proposal and further away from the SAC. Together they would not exceed 6-7% of the CL for ammonia, which falls within the 20% threshold limit for European sites.</i> <p>We have taken into account other factors relevant to the assessment:</p> <ul style="list-style-type: none"> • <i>The proposal is east / north-east of the SAC and therefore the prevailing SW wind should reduce the amount of emissions reaching the SAC noting that the SCAIL assessment assumes a worst case scenario of all of the pollutants blowing onto the site.</i> • <i>The SAC does not support features that are especially sensitive to these pollutants such as lichens or bryophytes and there is no evidence that the current PEC (which is higher than predicted PEC for the new proposal) is detrimentally affecting the marsh fritillary butterfly feature or the supporting grassland habitat and its components.</i> <p>Taking these factors into account together with the relatively small exceedance of critical levels we concur with the EA's conclusion that the proposal will have no adverse effect on the integrity of the Cumbrian Marsh Fritillary Site SAC.</p> <p>We therefore require no further assessment.</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	

Aspect considered	Decision
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> <ul style="list-style-type: none"> • All poultry houses are ventilated with side mounted extraction fans with roof air inlets. All houses also have gable end fans Manure is exported off site and is spread on land farmed by the operator or on land owned by third parties. • Litter and dirty wash water will be removed off site at end of each crop cycle and spread on operator controlled land with any surplus sold. Mortalities are incinerated on site using an AHPA-approved low capacity incinerator (<50 kg/hr) which is registered with the local authority. • All clean roof water from poultry houses is directed to French drains acting as soakaways. Clean yard water is directed to a soakaway located to the south west of poultry house 1. Drainage from animal housing and water from cleaning out will be collected in underground storage tanks. Diverter bungs will be used during wash down periods to prevent the contamination of surface water systems and to divert the wash water to the dirty water tanks. • The onsite incinerator used for carcass disposal is Animal and Plant Health Agency (APHA) approved and operates at 20 kg/hr (as confirmed in RFI response dated 21/05/19).
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>
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>
Permit conditions	
Emission limits	<p>We have decided that emission limits are required in the permit. BAT AEL's have been added in line with the Intensive Farming sector BAT conclusions document dated 21/02/17. These limits are included in permit table S3.3.</p>
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>These monitoring requirements have been imposed in order to ensure compliance with Intensive Farming BAT conclusions document dated 21/02/17.</p>
Reporting	<p>We have specified reporting in the permit.</p> <p>We made these decisions in order to ensure compliance with Intensive Farming BAT conclusions document dated 21/02/17</p>
Operator competence	
Management system	<p>There is no known reason to consider that the Operator will not have the management</p>

Aspect considered	Decision
	<p>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 and National Enforcement Database has/have been</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>
Growth Duty	
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

Response received from
Eden District Council Environmental Health dated 08/05/19
Brief summary of issues raised
<ul style="list-style-type: none"> Concerns raised regarding the potential for noise nuisance to nearby residential receptors. There are noise-sensitive residential properties within 50 metres of the proposed poultry unit, and there is the potential for disturbance due to noise from deliveries, heating plant, maintenance, cleaning (i.e. jet-

washing), and most importantly the ventilation fans associated with regulating the temperature of the poultry areas.

There is a concerning lack of information of the potential noise sources and likely noise levels and no noise assessment report has been carried out.

Environmental Health would strongly recommend that a noise assessment is carried out using the methodology of BS4142:2014 to ascertain the likely noise impact from the proposal, along with any proposed sound mitigation measures that may be necessary.

Summary of actions taken or show how this has been covered

Condition 3.4.1 of the permit requires that the operator follows the Noise management Plan (NMP) submitted with the application. The NMP is in place and covers all issues raised by respondent other than noise from heating. Houses are heated by LPG heaters and are not considered a noise risk.

Furthermore, the NMP stipulates that the NMP will be reviewed every year from permit issue date, prior to any major changes to operations (to ensure effectiveness) or following any complaint. Any changes to the NMP will be documented, dated and signed and an Environment Agency Area Officer will be notified.

Response received from

Public Health England (dated 23/05/19)

Brief summary of issues raised

The applicant does not quantify or model noise, dust or odour impacts. The regulator should be satisfied that the controls are sufficient to prevent nuisance impacts.

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.

Summary of actions taken or show how this has been covered

The Operator must comply with their Odour Management Plan and Noise Management Plan. We have assessed these measures and have determined they represent best available techniques for this activity. A range of mitigation measures have also been proposed and these can be found within the odour management plan and noise management plan. These measures are stated operation techniques in a variety of documents provided by the Applicant and captured through condition 2.3 and Table S1.2 of the Permit. Furthermore, condition 3.2 of the Permit applies to substances not controlled by emission limits, also known as fugitive emissions. The Operator will be required to manage their activities so that they shall not cause pollution.

Furthermore, the Operator must comply with their Dust Management Plan. These measures are stated operation techniques in a variety of documents provided by the Applicant and captured through Table S1.2 of the Permit. Table S3.3 of the permit requires dust to be monitored annually through estimation using emission factors, and Table S4.2 of the permit requires the dust atmospheric mass emission to be reported to the Environment Agency.

We are therefore satisfied that the appropriate measures will be in place to minimise the risk of pollution from the installation from odour, noise and dust/ Bioaerosols.