

# Permitting decisions

## Variation

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We have decided to grant the variation for Eyeworth Lodge Farm operated by Lodge Farm Poultry Limited.

The variation number is EPR/HP3836NK/V002.

We have also carried out an Environment Agency initiated variation to the permit. 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
- explains why we have also made an Environment Agency initiated variation
- 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 and the variation notice. The introductory note summarises what the variation 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 was published on the 21 February 2017. There is now a separate BAT Conclusions document which sets out the standards that permitted farms have to meet. Now that the BAT Conclusions are published, all new installation farming permits issued after the 21 February 2017 must be compliant in full from the first day of operation. 'New plant' is defined as plant first permitted at the site of the farm following the publication of the BAT conclusions. 'Existing plant' is defined in the BREF as any plant that is not a 'new plant'.

There are some new requirements for permit holders. The conclusions include BAT Associated Emission Levels (BAT-AELs) for ammonia which apply to the majority of permits as well as BAT-AELs for nitrogen and phosphorous excretion. A BAT-AEL provides us with a performance benchmark to determine whether an activity is BAT. For some types of rearing practices stricter standards apply to farms and housing permitted after the new BAT Conclusions are published.

There are 33 BAT conclusion measures in total within the BAT Conclusions document dated 21 February 2017. The new BAT Conclusions include a set of BAT-AELs for ammonia emissions to air from animal housing for broilers and therefore an ammonia emission limit value has been included within the permit. Some of the ammonia BAT-AELs allow a higher value for existing plant. For variations all new housing permitted after the 21 February on existing farms will need to meet the BAT-AELs. Existing housing permitted before this will need to meet the BAT-AELs by February 2021. The following table lists the requirements for new housing. The requirements for existing housing has been included within the varied permit EPR/HP3836NK/V002.

BAT Measure	Operator Compliance Measure
BAT 3 – nutritional management for nitrogen excretion.	BAT-AEL for broilers is 0.2 to 0.6kgN/animal place/yr.
BAT 4 - nutritional management for phosphorous excretion.	BAT-AEL for broilers is 0.05 to 0.25kgP/animal place/yr.
BAT 24 – monitoring of emissions and process parameters for total nitrogen and phosphorous excreted.	Table S3.3: Process monitoring. This table requires the operator to undertake relevant monitoring that complies with these BAT Conclusions.
BAT 25 - and process parameters for ammonia emissions.	
BAT 26 - monitoring of odour emissions	
BAT 27 - monitoring of emissions and process parameters for dust emissions.	
BAT 32 – ammonia emissions from poultry houses for broilers.	BAT-AEL for broilers is 0.01 to 0.08kgNH <sub>3</sub> /animal place/yr.

With regards to specific BAT measures that the operator has to ensure compliance with, BAT 27 (monitoring of dust emissions and process parameters) will be required. The requirements are given in Table S3.3 within the permit - process monitoring requirements – and the operator is required to undertake relevant monitoring that complies with these BAT Conclusions.

The operator confirmed that the four new houses (Houses 4 to 8) have been constructed to and comply in full with all the BAT Conclusion measures. The operator has undertaken a BAT Conclusions Compliance Review for the four new houses and submitted this to the Environment Agency on 11 May 2019. The installation at Eyeworth Lodge will be able to meet all the new relevant BAT Conclusions along with the new BAT AEL's, on both existing and new housing. Operational procedures and practices are in place at the installation to ensure BAT compliance as follows:

- BAT3 and BAT4 – a nutritional strategy will be employed to reduce the levels of N and P. BAT-AEL compliance will be verified by means of manure analysis and reported annually.
- BAT13 – litter kept dry and aerobic.
- BAT24 – manure to be analysed for total phosphorous and total nitrogen annually.
- BAT25 – ammonia emissions are already calculated for the site using emission factors.
- BAT26 - on a daily basis, odour levels at the installation will be monitored for high housekeeping odours.
- BAT11 and 27 – dust minimisation measures will be employed and emissions will be verified based on the standard emission factor for broilers. Dust will be calculated by estimation and reported annually.
- BAT32 – the BAT-AEL for ammonia emissions from broiler housing will be complied with.

### Ammonia Emissions to Air

There is one Site of Special Scientific Interest (SSSI) located within 5km of the installation and two Local/County Wildlife Sites (LWS/CWS) within 2km of the installation.

#### Ashwell Springs 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 5km of the SSSI.

Initial screening using the ammonia screening tool spreadsheet version 4.5 has indicated that emissions from Eyeworth Lodge Farm will only have a potential impact on this SSSI site with a precautionary CLE of 1µg/m<sup>3</sup> if it is within 1,891m of the farm emission source. Beyond this the PC is less than 0.2µg/m<sup>3</sup> (i.e. less than 20% of the precautionary 1µg/m<sup>3</sup> CLE) and therefore beyond this distance the PC is insignificant. In this case Ashwell Springs SSSI is beyond the precautionary distance of 1,891m (4,266m) and therefore screens out of the need for any further assessment.

Please note that where the precautionary level of 1µg/m<sup>3</sup> is used and the PC is assessed to be less than 20% the SSSI site automatically screens out as insignificant and no further assessment of the CLo is necessary. In this case the 1µg/m<sup>3</sup> level used has not been confirmed by Natural England but it is precautionary. It is therefore possible to conclude no likely significant damage to the Ashwell Springs SSSI site.

**Dunton Green Lane CWS:**

The trigger thresholds that have been applied for the assessment of these type of sites concludes that where the PC is below 100% of the relevant CLe or CLo then the farm can be permitted with no further assessment.

Initial screening using the ammonia screening tool spreadsheet version 4.5 has indicated that emissions from Eyeworth Lodge Farm will only have a potential impact on Dunton Green Lane CWS site with a precautionary CLe of 1µg/m<sup>3</sup> if it is within 661m of the farm emission source. Beyond this the PC is less than 1µg/m<sup>3</sup> and therefore beyond this distance the PC is insignificant. In this case Dunton Green Lane CWS site is beyond the precautionary distance of 661m (2,074m) and therefore screens out of the need for any further assessment.

**River Rhee Dunton Lodge LWS:**

The trigger thresholds that have been applied for the assessment of these type of sites concludes that where the PC is below 100% of the relevant CLe or CLo then the farm can be permitted with no further assessment.

Initial screening using the ammonia screening tool spreadsheet version 4.5 has indicated that emissions from Eyeworth Lodge Farm will only have a potential impact on River Rhee Dunton Lodge LWS with a precautionary CLe of 3µg/m<sup>3</sup> if it is within 661m of the farm emission source. In this case River Rhee Dunton Lodge LWS is within the precautionary distance of 661m (308m), therefore does not screen out and requires further assessment.

The River Rhee Dunton Lodge LWS appears to be designated because of the presence of water voles (and potentially otters). Due to the water vole being a protected species in its own right and the fact that there could be an indirect impact should there be any habitat loss, it is decided that it is appropriate to assign a CLe of 3 to the LWS. CLo's have been assigned according to the site's riparian vegetation. The River Rhee is described in an ecological assessment carried out on behalf of Cambridgeshire County Council as "..... Part re-aligned stream with banks supporting scattered mixed scrub and old willows (Salix spp.) .....". There is no direct equivalent habitat described in the Air Pollution Inventory System (APIS) when determining CLo's. Reviews of Environment Agency databases, including aerial photography, indicates that patchy wooded areas run adjacent to the LWS. Therefore, as part of the Environment Agency ammonia screening, deposition values have been used for 'broadleaved, mixed and yew woodland' on APIS to help determine the site specific CLo's.

**Table 1 - ammonia screening results for River Rhee Dunton Lodge LWS**

Predicted			µg/m <sup>3</sup>	kg N/ha/year	keq/ha/yr	% PC		
Ammonia - ug/m <sup>3</sup>	N Deposition - kg/ha/yr	Acidification - keq/ha/yr	CLe Ammonia	CLo N Deposition	CLo Acid Deposition	CLe Ammonia	CLo N Deposition	CLo Acid Deposition
3.224	16.747	1.196	3	10	10.837	107.5	167.5	11.0

As the PC, as a % of the CLe for ammonia and as a % of the CLo for nitrogen deposition, are both >100% detailed modelling was required to be undertaken by the applicant as part of this permit variation.

**River Rhee Dunton Lodge LWS Detailed Modelling:**

The ecological report "Atmospheric ammonia and nitrogen deposition on River Rhee, Dunton Lodge Local Wildlife Site" ref: 212a dated January 2019, was submitted to identify whether the River Rhee Dunton Lodge LWS needs to be considered for atmospheric ammonia and nitrogen deposition from the proposed extension of Eyeworth Lodge Farm. A biological records search, the site's citation data as well as a field walkover survey were completed and did not identify any plant species that are rare and/or susceptible to nutrient rich environs (e.g: lichens, mosses, liverworts). The report therefore concluded that it is considered highly unlikely that there will be any detrimental effects on the LWS from atmospheric deposition of ammonia and nitrogen caused by changes to Eyeworth Lodge Farm, and hence any detrimental effects on the habitat for Water Voles.

## Decision checklist

Aspect considered	Decision
<b>Receipt of application</b>	
Confidential information	A claim for commercial or industrial confidentiality has not been made. The decision was taken in accordance with our guidance on confidentiality.
Identifying confidential information	We have not identified any information provided as part of the application that we consider to be confidential. The decision was taken in accordance with our guidance on confidentiality.
<b>Consultation/Engagement</b>	
Consultation	<p>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:</p> <ul style="list-style-type: none"> <li>➤ Health and Safety Executive</li> <li>➤ Planning Authority</li> <li>➤ Environmental Health</li> <li>➤ Public Health England</li> <li>➤ Director of Public Health.</li> </ul> <p>The comments and our responses are summarised in the <a href="#">consultation section</a>.</p>
<b>The facility</b>	
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.
<b>The site</b>	
Extent of the site of the facility	The operator has provided plans which we consider are 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	<p>The application is within the relevant distance criteria of several sites of nature conservation, both statutory and local designations, and protected species. We have assessed the application and its potential to affect all known sites of nature conservation, protected species and habitats identified in the nature conservation screening report as part of the permitting process as well as reviewing a detailed modelling report submitted by the operator regarding the assessment of a non-statutory local designation protected for its presence of Water Voles.</p> <p>We consider that the application will not affect any of the sites of nature conservation, protected species and habitats identified. We have not consulted Natural England on our assessments for the application but have taken into</p>

Aspect considered	Decision
	consideration the ecological report provided with the application and undertaken by Third Party Ecological Specialists. The decision was taken in accordance with our guidance. Further details are discussed in the Key Issues Section of this document.
<b>Environmental risk assessment</b>	
Environmental impact assessment	In determining the application we have considered the Environmental Statement. Planning permission is being sought for an additional four poultry houses for broilers at the facility requiring additional land.
Environmental risk	We have reviewed the operator's assessment of the environmental risk from the facility. The operator's risk assessment is satisfactory.
<b>Operating techniques</b>	
General operating techniques	We have reviewed the techniques used by the operator and compared these with the relevant guidance notes and we consider them to represent appropriate techniques for the facility. The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.
<b>Permit conditions</b>	
Updating permit conditions during consolidation	We have updated permit conditions to those in the current generic permit template as part of permit consolidation. The conditions will provide the same level of protection as those in the previous permits.
Changes to the permit conditions due to an Environment Agency initiated variation	We have varied the permit as stated in the variation notice.
Odour, noise and dust	<p>There is substantial increase in poultry numbers on the site as part of variation EPR/HP3836NK/V002 which has the potential to cause odour, dust and noise complaints off-site. No sensitive receptors were identified within 400m of the installation boundary as part of the application but, as part of the consultation process, a query arose regarding a potential sensitive receptor within approx. 200m of the site. Eyeworth Lodge Barn is located adjacent to the applicants own property (Eyeworth Lodge Farm).</p> <p>The Environment Agency needed to establish if there could be the potential for amenity complaints from this sensitive receptor. Further information provided by the applicant regarding Eyeworth Lodge Barn confirmed it is occupied by the poultry farm manager.</p>
Emission limits and Monitoring	ELVs based on BAT have been set for ammonia, nitrogen, phosphorous and oxides of nitrogen.
Reporting	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 meet the requirements of the IRPP BAT Conclusions dated 21 February 2017 and the Medium Combustion Plant Directive. Our decisions were also made in accordance with these and further details are provided within the varied permit EPR/HP3836NK/V002.

Aspect considered	Decision
<b>Operator competence</b>	
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.
<b>Growth Duty</b>	
Section 108 Deregulation Act 2015 – Growth duty	<p>We have considered our duty to have regard to the desirability of promoting economic growth set out in section 108(1) of the Deregulation Act 2015 and the guidance issued under section 110 of that Act in deciding whether to grant this permit. 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.

<b>Response received from</b>
Public Health England dated 21 June 2019.
<b>Brief summary of issues raised</b>
None raised.
<b>Summary of actions taken or show how this has been covered</b>
There are no sensitive receptors within 400m of the installation boundary. The installation will comply in all respects with the BAT Conclusions and Sector Guidance.

The Health and Safety Executive, Local Authority Planning, Environmental Health and Director of Public Health were also consulted but no responses received. The application was advertised externally on the GOV.UK website between 21 May and 19 June 2019 to invite any responses and comments from the general public. No responses were received.