

# Permitting decisions

## Bespoke permit

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We have decided to grant the permit for Great Oakley Lodge Poultry Farm operated by Mr Douglas Brown, Mrs Alison Brown, Mr Adam Brown & Mrs Joanne Brown (Trading as AH Brown Farms) in partnership.

The permit number is EPR/CP3407PD

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 into 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 21/02/17. There is now a separate BAT Conclusions document 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 21/02/17 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. A BAT-AEL provides us with a performance benchmark to determine whether an activity is BAT.

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 21/02/17.

The Applicant has confirmed their compliance with all BAT conditions for the new installation, in their document reference 'other supporting information' dated 10/09/19.

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 operator has confirmed it will demonstrate levels of Nitrogen excretion below the required BAT-AEL of 0.6 kg N/animal place/year.
BAT 4 - Nutritional management Phosphorous excretion	The operator has confirmed it will demonstrate levels of Phosphorus excretion below the required BAT-AEL of 0.25 kg P <sub>2</sub> O <sub>5</sub> animal place/year.
BAT 24 - Monitoring of emissions and process parameters - Total nitrogen and phosphorous excretion	Table S3.3 of the permit concerning process monitoring requires the operator to undertake relevant monitoring that complies with these BAT conclusions.
BAT 25 - Monitoring of emissions and process parameters - Ammonia emissions	Table S3.3 of the permit concerning process monitoring requires the operator to undertake relevant monitoring that complies with these BAT conclusions.
BAT 26 - Monitoring of emissions and process parameters - Odour emissions	The operator has committed to undertaking daily sniff testing around the site to detect odour. The location of monitoring will vary depending on the wind direction.  Litter conditions within the poultry housing is also monitored daily to

BAT measure	Applicant compliance measure
	reduce associated risk of odour.
BAT 27 - Monitoring of emissions and process parameters - Dust emissions	Table S3.3 of the permit concerning process monitoring requires the operator to undertake relevant monitoring that complies with these BAT conclusions.
BAT 32 - Ammonia emissions from poultry houses - Broilers	The BAT-AEL to be complied with is 0.08 kg NH <sub>3</sub> /animal place/year as the installation does not include an air abatement treatment facility. The operator will meet this as the standard emission factor for broilers is 0.034 kg NH <sub>3</sub> /animal place/year.

### **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.

#### **Ammonia emission controls - BAT conclusion 32 (broilers)**

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 21<sup>st</sup> February, 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 Great Oakley Lodge Poultry Farm (dated 10/09/19) 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](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 are within 400m of the Installation boundary. Sensitive receptors in this instance excludes properties associated with the farm . 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:

- feed selection
- feed delivery and storage;
- ventilation;
- litter condition and management;
- carcass storage and disposal;
- fluctuations in bird stocking densities;
- drinking water system;
- de-stocking; thinning and final depletion;
- house clean out; and
- dirty water management.

### Review of Odour Management Plan

We have assessed the OMP and the H1 risk assessment for odour and conclude that the operator has followed the guidance set out in EPR 6.09 Appendix 4 'Odour management at intensive livestock installations'. The operator has described routine measures used to prevent the formation and release of odour from the facility and they have proposed contingency measures to be implemented in the event of abnormal operations or detection of odours outside of the site boundary.

The OMP contains a monitoring procedure which includes daily olfactory testing for odour and checks on the quality of litter within the livestock units. The OMP also contains a complaints procedure, which ensures that the operator responds to any reports of odour promptly. The operator will review their OMP at least once a year to ensure that the measures are effective in minimising the risk of odour from their permitted facility.

### Conclusion

We are satisfied that all sources and receptors have been identified, and that the proposed mitigation measures will minimise the risk of odour pollution / nuisance.

## 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 a 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:

- vehicles travelling to and from the site;
- vehicle activity on site;
- stocking / destocking of poultry houses;
- feed systems;
- ventilation fans;
- personnel;
- noise from birds;
- house clean out; and
- equipment washing.

### Review of Noise Management Plan

We have assessed the NMP and the H1 risk assessment for noise and conclude that the operator has followed the guidance set out in EPR 6.09 Appendix 5 'Noise management at intensive livestock installations'. The operator has described preventative measures to minimise noise from the facility and a complaints procedure is provided to ensure that any reports of noise are promptly investigated. The operator will review their NMP at least once a year to ensure that the actions are effective in minimising noise from the facility.

### Conclusion

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

There are no relevant receptors within 100m of Great Oakley Lodge Poultry Farm so the Applicant was not required to submit a dust and bioaerosol risk assessment or management plan.

## Ammonia

There is one Special Area of Conservation (SAC), two Special Protection Areas (SPA) and two Ramsar sites located within 5 kilometres of the installation. As well as four Sites of Special Scientific Interest (SSSI) located within 5 km of the installation. There are also three Local Wildlife Sites (LWS) and two Ancient Woodlands (AW) located 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<sub>e</sub>) or critical load (CL<sub>o</sub>) 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 / SPA / Ramsar.

Initial screening using ammonia screening tool version 4.5 indicates that emissions from Great Oakley Lodge Poultry Farm will only have a potential impact on the SAC / SPA / Ramsar sites with a precautionary critical level of 1µg/m<sup>3</sup> if they are within 3,056 metres of the emission source.

Beyond 3,056 meters the PC is less than 0.04µg/m<sup>3</sup> (i.e. less than 4% of the precautionary 1µg/m<sup>3</sup> critical level) and therefore beyond this distance the PC is insignificant. In this case all SAC / SPA / Ramsar sites are beyond this distance (see table 1 below) and therefore screen out of any further assessment.

Where the precautionary level of 1µg/m<sup>3</sup> is used, and the process contribution is assessed to be less than 4% the site automatically screens out as insignificant and no further assessment of critical load 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 effect

**Table 1 - SAC/SPA/Ramsar Assessment**

Name of SAC / SPA / Ramsar		Distance from site (m)
Hamford Water	SAC	3,255
Stour and Orwell Estuaries	SPA	3,439
Hamford Water	SPA	3,249
Hamford Water	Ramsar	3,439
Stour and Orwell Estuaries	Ramsar	3,249

No further assessment of these sites 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 (CL<sub>e</sub>) or critical load (CL<sub>o</sub>) 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 Great Oakley Lodge Poultry Farm will only have a potential impact on SSSI sites with a precautionary critical level of 1µg/m<sup>3</sup> if they are within 1,048 metres of the emission source.

Beyond 1,048 meters the PC is less than 0.2µg/m<sup>3</sup> (i.e. less than 20% of the precautionary 1µg/m<sup>3</sup> critical level) and therefore beyond this distance the PC is insignificant. In this case all SSSI's are beyond this distance (see table 2 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 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  $1\mu\text{g}/\text{m}^3$  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 2 - SSSI Assessment**

Name of SSSI		Distance from site (m)
Hamford Water	SSSI	3,249
Little Oakley Channel Deposit	SSSI	4,328
Stour and Copperas Woods, Ramsey	SSSI	2,413
Stour Estuary	SSSI	3,439

No further assessment of these sites is required.

### **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 (CL<sub>e</sub>) or critical load (CL<sub>o</sub>) then the farm can be permitted with no further assessment.

Initial screening using ammonia screening tool version 4.5 has indicated that emissions from Great Oakley Lodge Poultry Farm will only have a potential impact on the LWS & AW sites with a precautionary critical level of  $1\mu\text{g}/\text{m}^3$  if they are within 359 metres of the emission source.

Beyond 359 meters 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 LWS & AW sites are beyond this distance (see table 3 below) and therefore screen out of any further assessment.

**Table 3 - LWS & AW Assessment**

Name of LWS & AW		Distance from site (m)
Soils Wood	LWS	2,038
Broadmeadow Wood	LWS	2,188
Dengewell Wood	LWS	1,481
Dengewell Wood	AW	1,481
Broadmeadow Wood	AW	2,189

No further assessment of these sites is required.

# Decision checklist

Aspect considered	Decision
<b>Receipt of application</b>	
Confidential information	A claim for commercial or industrial confidentiality has not been made.
Identifying confidential information	We have not identified information provided as part of the application that we consider to be confidential.
<b>Consultation</b>	
Consultation	<p>The consultation requirements were identified in accordance with the Environmental Permitting Regulations and our public participation statement.</p> <p>The application was publicised on the GOV.UK website.</p> <p>We consulted the following organisations:</p> <ul style="list-style-type: none"> <li>• Local Planning Authority - Tendring District Council</li> <li>• Local Authority Environmental Health - Tendring District Council</li> <li>• FSA</li> <li>• Health and Safety Executive</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>Operator</b>	
Control of the facility	We are satisfied that the applicant (now the operator) is the person who will have control over the operation of the facility after the grant of the permit. The decision was taken in accordance with our guidance on legal operator for environmental permits.
<b>The facility</b>	
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' and Appendix 1 of RGN 2 'Interpretation of Schedule 1'.</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>
<b>The site</b>	
Extent of the site of the facility	The operator has provided a plan which we consider is satisfactory, showing the extent of the site of the facility. 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,	The application is within the relevant distance criteria of a site of heritage, landscape



Aspect considered	Decision
landscape and nature conservation	<p>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, landscape and heritage, and/or protected species or habitats identified.</p> <p>A Stage 1 Habitats Regulations Assessment was completed and sent to Natural England on 04/012/18 'For Information Only'. See above <a href="#">key issues</a></p>
<b>Environmental risk assessment</b>	
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>
<b>Operating techniques</b>	
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 operator must use are specified in table S1.2 in the environmental permit.</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. <a href="#">key issues</a>.</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. <a href="#">key issues</a>.</p>
<b>Permit conditions</b>	
Emission limits	<p>ELVs based on BAT have been set for the following substances:</p> <ul style="list-style-type: none"> <li>• 0.6 kg N/animal place/year;</li> <li>• 0.25 kg P2O5/animal place/year; and</li> <li>• 0.08 kg NH<sub>3</sub>/animal place/year.</li> </ul> <p>These ELVs are immediately applicable to all new poultry housing.</p> <p>These emission limits have been imposed in order to implement the BAT conclusions. <a href="#">key issues</a>.</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>Monitoring has been set for the following substances:</p> <ul style="list-style-type: none"> <li>• Ammonia</li> <li>• Dust</li> </ul>

Aspect considered	Decision
	<ul style="list-style-type: none"> <li>Nitrogen</li> <li>Phosphorus</li> </ul> <p>Monitoring of emissions are immediately applicable to all new poultry housing.</p> <p>These monitoring requirements have been imposed in order to implement the BAT conclusions.</p>
Reporting	<p>We have specified reporting in the permit.</p> <p>We made these decisions in accordance with the IRPP BAT Conclusions as published on 21<sup>st</sup> February 2017.</p>
<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.
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.
<b>Growth Duty</b>	
Section 108 Deregulation Act 2015 – Growth duty	<p>We have considered our duty to have regard to the desirability of promoting economic growth set out in section 108(1) of the Deregulation Act 2015 and the guidance issued under section 110 of that Act in deciding whether to vary this permit.</p> <p>Paragraph 1.3 of the guidance says:</p> <p>“The primary role of regulators, in delivering regulation, is to achieve the regulatory outcomes for which they are responsible. For a number of regulators, these regulatory outcomes include an explicit reference to development or growth. The growth duty establishes economic growth as a factor that all specified regulators should have regard to, alongside the delivery of the protections set out in the relevant legislation.”</p> <p>We have addressed the legislative requirements and environmental standards to be set for this operation in the body of the decision document above. The guidance is clear at paragraph 1.5 that the growth duty does not legitimise non-compliance and its purpose is not to achieve or pursue economic growth at the expense of necessary protections.</p> <p>We consider the requirements and standards we have set in this permit are reasonable and necessary to avoid a risk of an unacceptable level of pollution. This also promotes growth amongst legitimate operators because the standards applied to the operator are consistent across businesses in this sector and have been set to achieve the required legislative standards.</p>

# Consultation

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

## Responses from organisations listed in the consultation section

<b>Response received from</b>
Public Health England
<b>Brief summary of issues raised</b>
The main emissions of potential public health significance are emissions to air of bioaerosols, dust including particulate matter and ammonia.
<b>Summary of actions taken or show how this has been covered</b>
There are no relevant receptors within 100m so no bioaerosol / dust risk assessment requested nor required.

<b>Response received from</b>
Environmental Health - Tendring District Council
<b>Brief summary of issues raised</b>
Building design, manual ventilation systems, temperature controls, storage and delivery of feed and bedding, storage and removal of chicken manure and no burning of chicken manure on site. Odour and noise Management Plans / assessments submitted to Environmental Protection for approval and confirmation of delivery times.
<b>Summary of actions taken or show how this has been covered</b>
The building design and ventilation system will be constructed to BAT, with temperature kept at optimum level for bird welfare and least ammonia production. Feed will stored in purpose built covered feed silos located next to the rearing shed. No milling or mixing of feed takes place at the farm. All feed is delivered to the farm by lorry from feed suppliers. Feed is blown directly from the lorry into the storage sealed silos. Feed is piped from the silos to the sheds sealed minimising dust emissions, all these measure are designed to reduce dust. There is no burning of chicken litter on site. The operator provided noise and odour management plans and proposed mitigation measures will minimise the risk of noise and odour pollution / nuisance from the farm. All delivery times will be between 07.00hrs - 19.00hrs.

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

- The Director of Public Health;
- FSA
- The Health and Safety Executive; and
- Planning - Tendring District Council