

Permitting decisions

Bespoke permit

We have decided to grant the permit for Alne East Farm Poultry Unit operated by Forest Poultry Limited.

The permit number is EPR/VP3608PY.

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
- shows how we have considered the [consultation responses](#).

Unless the decision document specifies otherwise we have accepted the applicant's proposals.

Read the permitting decisions in conjunction with the environmental permit. The introductory note summarises what the permit covers.

Key issues of the decision

New Intensive Rearing of Poultry or Pigs BAT Conclusions document

The new Best Available Techniques (BAT) Reference Document (BREF) for the Intensive Rearing of poultry or pigs (IRPP) was published on the 21st February 2017. There is now a separate BAT Conclusions document which will set out the standards that permitted farms will have to meet.

The BAT Conclusions document is as per the following link

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32017D0302&from=EN>

Now the BAT Conclusions are published all new installation farming permits issued after the 21st February 2017 must be compliant in full from the first day of operation.

There are some new requirements for permit holders. The conclusions include BAT Associated Emission Levels for ammonia emissions which will apply to the majority of permits, as well as BAT associated levels for nitrogen and phosphorous excretion.

For some types of rearing practices stricter standards will apply to farms and housing permitted after the new BAT Conclusions are published.

New BAT conclusions review

There are 33 BAT conclusion measures in total within the BAT conclusion document dated 21st February 2017.

We have sent out a schedule 5 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 titled Alne East Farm BAT and dated 10/11/19.

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	<p>The Applicant has confirmed it will demonstrate it 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.</p> <p>This confirmation was in response to Schedule 5 Notice request for further information, received 10/11/19, which has been referenced in Table S1.2 Operating Techniques of the Permit.</p> <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>In order to reduce total nitrogen and phosphorus excreted and consequently ammonia emissions while meeting the nutritional needs of the animals the following will be undertaken at the Poultry Site;</p> <ul style="list-style-type: none">- Diet formulation adapted to specific requirements of the production period, including a minimum of three diets as detailed in the Technical Standards and Non-technical Summary documents in Table S1.2 Operating Techniques of the permit.
BAT 4 Nutritional management Phosphorous excretion	<p>The Applicant has confirmed it will demonstrate it achieves levels of Phosphorous excretion below the required BAT-AEL of 0.25 kg P₂O₅ animal place/year by an estimation using manure analysis for total Phosphorous content.</p> <p>This confirmation was in response to Schedule 5 Notice request for further information, received 10/11/19, which has been referenced in Table S1.2 Operating Techniques of the Permit.</p>

BAT measure	Applicant compliance measure
	<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's approach to meet this limit is detailed in BAT 3 above.</p>
<p>BAT 24 Monitoring of emissions and process parameters</p> <ul style="list-style-type: none"> - Total nitrogen and phosphorous excretion 	<p>Table S3.3 Process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT conclusions.</p>
<p>BAT 25 Monitoring of emissions and process parameters</p> <ul style="list-style-type: none"> - 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 meet the relevant AELs in their document titled Alne East Farm BAT and dated 10/11/19.</p>
<p>BAT 26 Monitoring of emissions and process parameters</p> <ul style="list-style-type: none"> - Odour emissions 	<p>An odour management plan has not been required as there are no sensitive receptors within screening distance of the installation, as defined in our guidance. However the applicant has completed an odour risk assessment including the following risk management activities:</p> <ul style="list-style-type: none"> • Within the houses litter is kept friable • Non-leaking drinking systems are used • Houses are maintained with the correct temperature and ventilation • Vehicles used on site are covered and parked close to houses during loading • Only DEFRA approved chemicals will be used in cleaning operations
<p>BAT 27 Monitoring of emissions and process parameters</p> <ul style="list-style-type: none"> - Dust emissions 	<p>Table S3.3 Process monitoring requires the operator to undertake relevant monitoring that complies with these BAT conclusions.</p>
<p>BAT 32 Ammonia emissions from poultry houses</p> <ul style="list-style-type: none"> - Broilers 	<p>The BAT-AEL to be complied with is 0.08 kg NH₃/animal place/year.</p> <p>The Applicant will meet this as the emission factor for broilers is 0.034 kg NH₃/animal place/year.</p> <p>Ammonia emissions will be reported annually through estimation using emission factors.</p> <p>The Installation does not include an air abatement treatment facility, hence the standard emission factor complies with the BAT AEL.</p>

More detailed assessment of specific BAT measures

Ammonia emission controls

A BAT Associated Emission Level (AEL) provides us with a performance benchmark to determine whether an activity is BAT.

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.

All new bespoke applications issued after the 21st 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 20th February and came into force on 27th 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 Aine East Farm Poultry Unit (dated 26/08/19) 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

As there are no receptors sensitive to odour within the relevant screening distance (400 metres of the installation), as set out in our guidance, an odour management plan has not been required as part of this application. However the operator has provided an odour risk assessment which includes the risk management activities which are detailed under BAT 26 in the table above. Under condition 3.3.2 of the permit an odour management plan can be requested in the future if necessary.

Noise

As there are no receptors sensitive to noise within the relevant screening distance (400 metres of the installation), as set out in our guidance, a noise management plan has not been required as part of this application. However the operator has provided a noise risk assessment which includes the following risk management activities:

- The fans are operated intermittently and regularly maintained
- Delivery lorries are subject to time restricted deliveries if necessary
- Plastic bird crates are used, and loading areas are level
- Operations are undertaken during normal working hours

- There are no audible alarms on site
- The standby generator is housed in an insulated building and frequently tested

We are satisfied that given the above risk management activities, in conjunction with the lack of nearby receptors, a noise management plan is not required. Under condition 3.4.2 of the permit a noise management plan can be requested in the future if necessary.

Dust and Bio aerosols

As there are no sensitive receptors within the relevant screening distance (100 metres of the installation), dust and bio aerosols have not been assessed as part of this application, in line with our guidance.

Ammonia

There are no Special Areas of Conservation (SAC), Special Protection Areas (SPA) or Ramsar sites located within 10 km of the installation. There are no Sites of Special Scientific Interest (SSSI) located within 5 km of the installation. There are also no Local Wildlife Sites (LWS), Ancient Woodlands (AW), Local Nature Reserves (LNR) within 2 km of the installation.

Therefore, in line with our guidance, we do not need to consider the impacts of ammonia on nearby ecological receptors as part of this application.

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	<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"> - Local Authority (Hambleton District Council) planning - Local Authority (Hambleton District Council) environmental health - Health and Safety Executive - Director of Public Health England <p>The comments and our responses are summarised in the consultation section. Those consultees not included did not respond.</p>
Operator	
Control of the facility	We are satisfied that the applicant (now the operator) is the person who will have control over the operation of the facility after the grant of the permit. The decision was taken in accordance with our guidance on legal operator for environmental permits.
The facility	
The regulated facility	<p>We considered the extent and nature of the facility at the site in accordance with RGN2 'Understanding the meaning of regulated facility', Appendix 2 of RGN 2 'Defining the scope of the installation'.</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 plans which we consider are satisfactory, showing the extent of the site of the facility. The plans are 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 not within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat.

Aspect considered	Decision
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> <p>See the key issues section for further information on odour, noise, dust and bioaerosols and ammonia emissions.</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 detail that the sheds are fan ventilated with a fully littered floor and non-leaking drinkers.</p> <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>
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	<p>ELVs and equivalent parameters or technical measures based on BAT have been set for the following substances.</p> <ul style="list-style-type: none"> - Nitrogen: 0.6 kg N/animal place/year - Phosphorus: 0.25 kg P₂O₅ animal place/year - Ammonia: 0.08 kg NH₃/animal place/year
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 comply with the relevant BAT measures.</p> <p>See the key issues of the decision section of this decision document for further information. We made these decisions in accordance with BAT conclusion document dated 21st February 2017.</p>
Reporting	<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 reporting requirements on monitoring data and performance parameters have been imposed in order to comply with the conditions of the permit.</p> <p>See the key issues of the decision section of this decision document for further information. We made these decisions in accordance with BAT conclusion document</p>

Aspect considered	Decision
	dated 21 st February 2017.
Operator competence	
Management system	<p>There is no known reason to consider that the operator will not have the management system to enable it to comply with the permit conditions.</p> <p>The decision was taken in accordance with the guidance on operator competence and how to develop a management system for environmental permits.</p>
Relevant convictions	<p>The Case Management System has been checked to ensure that all relevant convictions have been declared.</p> <p>No relevant convictions were found. The operator satisfies the criteria in our guidance on operator competence.</p>
Financial competence	There is no known reason to consider that the operator will not be financially able to comply with the permit conditions.
Growth Duty	
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
Hambleton District Council, Environmental Health
Brief summary of issues raised
Confirmed there are no previous issue with the site relating to noise or amenity and there are no on-going enforcement actions.
Summary of actions taken or show how this has been covered
No actions needed.

Response received from
Public health England
Brief summary of issues raised
The risk of potential for human health impacts from the proposed installation is judged to be low. This comment assumes the installation is at least 400 metres from the nearest residential receptor and complies with Best Available Techniques (BAT)
Summary of actions taken or show how this has been covered
No actions needed as the installation meets the assumptions detailed.