

# Permitting decisions

## Part surrender and variation

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We have decided to accept the surrender of part of the permit for Halfpenny Farm Poultry Unit operated by D. Millard, C. Millard and P. Millard (trading as Halfpenny Farm). We have also decided to vary the permit to reflect a permit review in accordance with the Best Available Techniques (BAT) Reference Document (BREF) for the Intensive Rearing of poultry or pigs (IRPP) was published on the 21st February 2017.

We are satisfied that the necessary measures have been taken to avoid any pollution risk and to return the site to a satisfactory state. We consider in reaching our decisions 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.

The permit number is EPR/QP3537MC.

The part surrender and variation are in effect under EPR/QP3537MC/S004.

## 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 in to account.

This decision document provides a record of the decision making process. It:

- highlights key issues in the determination of the variation to take account of the Best Available Techniques (BAT) Conclusions for the Intensive Rearing of Poultry or Pigs and the legal requirement to review the permit.
- summarises the decision making process in the [decision checklist](#) to show how all relevant factors have been taken into account.

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 surrender notice. The introductory note summarises what the notice covers.

# Key issues of the decision

## Variation - BAT conclusions review

This relates to the Environment Agency initiated variation, which has been incorporated under the same permit as the part surrender. The purpose of the review is to reconsider and if necessary update the permit taking into account new or updated requirements set out in the BAT Conclusions for the Intensive Rearing of Poultry or Pigs published on 21 February 2017<sup>1</sup>.

The BAT conclusions document is available to download online:

<http://eippcb.jrc.ec.europa.eu/reference/irpp.html>

We have reviewed the permit against the BAT Conclusions and have concluded the operator will be compliant with the Environmental Permitting Regulations/Industrial Emissions Directive if they are compliant with their existing permit as varied including updated permit conditions and schedules. The BAT Conclusions list specific techniques recommended to ensure environmental protection. BAT is neither prescriptive nor exhaustive and techniques other than those identified in the BAT Conclusion document may be used where they ensure at least an equivalent level of protection.

The basis for our conclusion is outlined below.

The table below covers all livestock types. For this installation the livestock specific requirements that are relevant are for broilers.

**Table 1: Summary of BAT Conclusions and decision on compliance**

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. This confirmation was in response to a request for information, received 01/07/2020. 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 <sub>2</sub> O <sub>5</sub> /animal place/year by an estimation using manure analysis for total Phosphorous content. This confirmation was in response to a request for information, received 01/07/2020. 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	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. The Applicant has confirmed they will report the ammonia emissions to the Environment Agency annually by multiplying the ammonia emissions factor for broilers by the number of birds on site. This confirmation was in response to a request for information, received 01/07/2020.

<sup>1</sup> C/2017/0688 Commission Implementing Decision (EU) 2017/302 of 15 February 2017 establishing best available techniques (BAT) conclusions, under Directive 2010/75/EU of the European Parliament and of the Council, for the intensive rearing of poultry or pigs

BAT measure	Applicant compliance measure
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. The Applicant has confirmed they will report the dust emissions to the Environment Agency annually by multiplying the dust emissions factor for broilers by the number of birds on site. This confirmation was in response to a request for information, received 01/07/2020.
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. The Applicant will meet this as the emission factor for broilers is 0.034 kg NH <sub>3</sub> /animal place/year. The Installation does not include an air abatement treatment facility, hence the standard emission factor complies with the BAT AEL.

## 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 Halfpenny Farm (dated 12/01/20) 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.**

## 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>The facility</b>	
The regulated facility	<p>The permitted regulated facility has changed as a result of the partial surrender.</p> <p>Two of the four poultry houses have been surrendered. This included the associated emission points and land. There are two remaining poultry houses (3 and 4), again with associated emission points and land.</p> <p>As a result the number of bird places has decreased by 36,000 and one of the biomass boilers has been removed. The operation of the facility remains largely unchanged.</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 surrender application	<p>The operator has provided a plan showing the extent of the site of the facility that is to be surrendered.</p> <p>We consider this plan to be satisfactory.</p>
Pollution risk	We are satisfied that the necessary measures have been taken to avoid a pollution risk resulting from the operation of the regulated facility.
Satisfactory state	<p>We are satisfied that the necessary measures have been taken to return the site of the regulated facility to a satisfactory state.</p> <p>In coming to this decision we have had regard to the state of the site before the facility was put into operation.</p>
<b>Permit conditions</b>	
Changes to permit conditions as a consequence of the surrender	<p>The permit conditions have changed as a result of the partial surrender.</p> <ul style="list-style-type: none"> <li>• Condition 2.1.1, by amending table S1.1 (Activities).</li> <li>• Condition 2.2.1, by amending the plan in Schedule 7 showing the extent of the site.</li> <li>• Conditions 3.1.1 and 3.1.2, by amending table S3.1 (Point source emissions to air) and table S3.2 (Point source emissions to water).</li> </ul>
Changes to the permit conditions due to an Environment Agency initiated variation	<p>We have varied the permit as stated in the variation notice.</p> <p>This is as a result of the permit review in accordance with the Best Available Techniques (BAT) Reference Document (BREF) for the Intensive Rearing of poultry or pigs (IRPP) was published on the 21st February 2017 referred to in the key issues section.</p>
Improvement programme	<p>Based on the information in the application, we consider that we need to impose an improvement programme.</p> <p>Intensive farms within 400 metres of sensitive receptors should have an odour management plan and a noise management plan. No such plans currently exist for this facility, therefore we have imposed an improvement programme to ensure that they are written and submitted to the Environment Agency before the implementation of the BAT Conclusions on 21/02/2021.</p>

Aspect considered	Decision
<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 surrender.</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>